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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXVIII.

COMPRISING THE PERIOD FROM
THE TWENTY-SECOND DAY OF MAY
TO
THE TWENTY-SIXTH DAY OF JUNE, 1835.
Third Volume of the Session.

LONDON:

Printed by T. C. HANSARD, *Pater-noster-Row,*
FOR BALDWIN AND CRADOCK; J. BOOKER; LONGMAN, REES, ORME, AND CO.;
J. M. RICHARDSON; PARBURY, ALLEN, AND CO.; J. HATCHARD AND SON;
J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD;
R. H. EVANS; J. BIGG; J. BOOTH; AND T. C. HANSARD.

1835.

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FOURTH SERIES.

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HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
19*th February*, 1835,
in the Fourth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Third Volume of the Session.

HOUSE OF LORDS,

Friday, May 22, 1835.

MINUTES.] Petitions presented. By the Dukes of GORDON, ARGYLE, and RICHMOND, the Marquess of BUTE, the Earls of KINNOUL and ROSSLYN, and Lord SALTOUN, from a Number of Places,—for Additional Accommodation in Scotch Churches.—By the Earl of ROSEBERY, from Mid Lothian, for a Bill Regulating Turnpike Trusts; from Glasgow and Denny, against any Grant of Money for Building Churches in Scotland.—By Viscount MELVILLE, from the Agriculturists of the County of Linlithgow, for Relief.—By Lord Wharncliffe, from Halifax, against the Factories' Regulation Act.—By the Marquess of SALISBURY, from the Handloom Weavers of Bradford, for a Board of Trade, against Machinery, and for a Reduction of Taxation.

THE DUBLIN PROCESSION.] Lord *Roden* said, that before he presented a Petition that he held in his hand, he should take the liberty of adverting to a subject of some importance—he meant that of the late triumphal procession which accompanied Lord Mulgrave's entrance into Dublin. He sincerely regretted that he had not been present when this subject was before alluded to; but as he had only come to town last night, he took this, the earliest, opportunity of noticing the statements made with respect to it by the noble Viscount opposite. Those statements were, that it was not of the description which was stated, but was merely the legitimate and lawful effervescence of political feeling. He should not enter into any controversy with the noble Viscount on the point of the legality of such processions—far be it from him to curb the demonstration of political feeling, so long at least, as that demonstration was legal, and so long as it confined itself within the bounds of quiet and decorum. But it now became his duty to state what this procession was, and to let, not the noble Viscount alone, but their Lordships and the country decide whether it was a procession of such a nature as the noble Viscount had described. As to the statements which had been made with respect to the procession, he was ready to prove on oath, at the Bar of the House, nor at any distant time, but now, by the oath of an hon. Gentleman, who perhaps now heard his voice, what that procession was. He could prove that it was a procession accompanied with the symbols of sedition, poles with green flags, and mottoes on them, such as "The Repeal of the Union," "O'Connel for ever," "No Tithes;" and not only that, but there was one flag on which was worked the harp, the emblem of Ireland, and their Lordships must understand that it was without the Crown. There was also a flag having on it, as he was informed, and believed it to be true, the cap of liberty. Was that a legal and harmless procession —one that was not to meet with the positive reprehension of the Government? He should say no more of this procession than this, that he demanded on behalf of the loyal Protestant population of Ireland; that they might proceed with their processions, not with the symbols of sedition, but of loyalty—that they might not be prosecuted by the Government—and that as the law was not put in force against those who went out to meet Lord Mulgrave, those creatures of Mr. O'Connell, it should be equally restrained in its application to those loyal individuals of whom he had the happiness to acknowledge himself a Member. He was not sorry for the decision of the noble Viscount, for he thought that much less harm was likely to be done from adopting it than from adopting one of an opposite kind. He had altered his opinion on this point from circumstances which had recently taken place, and he believed that by permitting processions to proceed, and allowing each party to show what its sentiments were boldly and openly, much less harm was likely to be done than by circumscribing the expression of opinion. He had come to that opinion since the passing of the law that had put down those peaceable processions which had formerly been common in most parts of Ulster. He should not enter into the reason for his opinions at the present moment, but he demanded that justice from the noble Viscount, and that same line of conduct towards the loyal Protestants, which he dealt out to those other parties who carried in their hands the symbols of sedition. He moved that the petition be laid upon the Table.

Viscount *Melbourne* could only say, that facts which had been stated by the noble Lord were entirely contrary to the statement of facts which he had received from the highest authority, and which was also made on the assertions of eye-witnesses, as well as that put forward by the noble Lord. He had already said, that he greatly lamented these displays of party feeling, and that in his opinion it was to be hoped that both sides would abstain from them, and then the irregularities which necessarily arose from them might be avoided. But he must observe, that much as he should condemn, if it were proved, that which had been stated by the noble Lord—much as he should lament the use of those symbols, he much doubted whether the carrying of those banners, provided they were carried on the occasion, were illegal and would bring them within the purview of the law. He lamented that such symbols should be used and such inscriptions exhibited to the public; but, without taking upon himself to give a legal opinion, he doubted whether this was an occasion on which the Act could be taken to apply. If it did apply here, it would apply to every occasion of public rejoicing—to every event of a public nature which the people might meet to celebrate. He believed that it was confined to certain occasions, when there were processions arising out of religious differences. Now, supposing that this assembly was legal, the use of these banners would not then be of itself illegal, though he repeated that their use was to be lamented. It was not illegal to inscribe on a banner, "O'Connell for ever!" nor even "Repeal of the Union!" for the Repeal of the Union might be effected by legal means, as well as the Repeal of the Tithes. And, much as the circumstances stated were to be lamented and deprecated, he did not think that of themselves they constituted a violation of the law. Banners had been exhibited on former occasions in a manner which, as he understood it, ought undoubtedly to be condemned. His noble Friend opposite (Lord Haddington) had stated, that on the occasion of the procession on his departure from Dublin no banners were exhibited; but was that always the case?—was that the case when the noble Earl went to the theatre in Dublin? The theatre was a place where persons met in a room—where, therefore, there was more opportunity to prevent the display of banners than among a multitude in the open air. On that occasion, as he had been informed, an Orange flag had been waved over the head of the noble Earl during all the time that he was in the theatre. He did not blame the noble Earl for the circumstance, for he could not prevent it; but he must ask the same indulgence, for the present Lord-lieutenant that he was willing to concede to his noble Friend opposite, more especially as his noble Friend now in Ireland was not at the time of the procession, as his noble Friend opposite was at the time of the visit to the theatre, the Lord-lieutenant in full possession of all the powers of his office, resident in Dublin, and probably aware of what was about to occur. The noble Lord who had introduced this discussion seemed to grant no indulgence, no toleration of the kind; but because something had been done which might or might not, even if it had occurred as he stated it, be illegal, he demanded that full indulgence should be given to that which was decidedly illegal. With respect to the demand thus made, he should only say that it would be for the Government of the country to decide what measures should be taken on processions of the kind alluded to in other parts of the country, for which he begged to remind the House the procession that had now taken place did not afford a precedent, and would not afford an excuse.

The Earl of *Haddington* should confine himself strictly to the reference which his noble Friend had made to him, with respect to the time when he went to the theatre in Dublin. He had said, that was the case of a Lord-lieutenant in full possession of the powers of his office, resident in Dublin, and probably aware of what was about to take place. No doubt that was the case in all respects but one; but he begged leave to tell his noble Friend that he was completely unaware of what was about to take place. He had given notice that he should go to the play, and he concluded, of course, that there would be a large assembly of persons—that the house would be full—but he knew no more; and he should say, however stupid the declaration might make him appear, that he had been a very considerable time in the theatre before he knew anything about the matter. So far, therefore, as to his knowledge of what was about to occur, and as to his power to prevent it. As to the late procession, he should not make one observation upon it; but with respect to himself, he should say, that after the occurrence referred to, it was made known that he lamented the display of party flags; and he was assured, by a person of very great respectability in Dublin, that to the head and leader of the Orange party in Dublin, it was not known that any exhibition of party flags had been intended. The fact was, that it was a spontaneous outbreak of feeling on the part of a number of persons, without any regular organization. Among them was a number of young men, and a good many strangers. English sailors were there also. It was most strange that this circumstance should have been made the subject of reiterated misrepresentations, and of gross attacks upon him from day to day, and from week to week, by persons who, when they made the attacks, must have known that no man more acutely felt the false position in which he was placed by such exhibitions; and that no man was more anxious to take means to prevent them. This manifestation of feeling was of an insignificant character—it was the spontaneous effusion of feeling from a number of persons who did believe that the Government which preceded that of which he had the honour to be the representative in Ireland, had pursued a course from which the Protestant Establishment was in danger, and who, therefore, expressed their great joy at the change, in a way, for which he repeated, he was not in the least degree answerable.

The Earl of *Wicklow* feared that the most lamentable results would arise from the late procession, unless Government took some step to prevent its being drawn into a precedent. His noble Friend (Lord Roden) had pointed out what must be the result of the matter, and had shown how probable it was in what way the other party—a party of considerable strength in Ireland, exercising a degree of strength and power that was hardly correctly estimated—would consider this display, and how likely it was to make them attempt to infringe the Statute which they saw was not obeyed equally by all. When he mentioned this subject, he had done it from no other motive than to make the Ministers take some measure to allay the feeling which must prevail on this subject. Last night he had been at a loss to understand the statement of the noble Viscount opposite, not knowing whether the noble Viscount meant to say, that the carrying of the banners was not illegal, or that the object of the meeting itself was not illegal. On this night he had stated that there was no infraction of the law in what had passed. He (Lord Wicklow) on the contrary, asserted that if it was a political demonstration, which he understood it to be, it did decidedly come under the operation of the law. That Act embraced any description of procession; and he had been astonished by the noble Viscount's attempting to draw a comparison between the recent procession, and the case at the theatre. What comparison was there between the one and the other, between the seditious banners in the procession, and the Orange handkerchief at the theatre? He called on the noble Viscount, to show to the people at large, how much it was the determined object of the Government to prevent all displays of such processions. The procession was not a meeting to welcome the representative of the King, but it was a party meeting, got up by him who had intended to head it, but who, in consequence of some scrapes which he had got into in this country, was obliged to come here (as he had stated at a public meeting), and so was prevented from attending the procession. Was he not known to influence the conduct of Government, and that he had recommended the individual who had been sent over to govern the country? Who was now the supporter of the Government—the very man whom they had once denounced—whom they had once introduced into the King's Speech, and of whom it had been stated in a dispatch written by the noble Marquess (Lord Wellesley) in March last year, when that noble Marquess was Lord-lieutenant in Ireland, that all the disturbances, which it was the intention of the Government then to suppress, arose entirely from the combination of the demands for the destruction of tithes, with those for the Repeal of the Union? Who was it that avowed that these two objects were the objects of his life? Who but the individual in question. Seeing what were the noble Marquess's sentiments, so short a time ago, it did not surprise him that the noble Marquess should have resigned his office, which, as a man of honour, he felt bound to do, when he found what was the influence of the individual to whom he had alluded. With those sentiments, the noble Marquess had acted as a man of honourable character might be expected to act; and in accordance with what he felt to be his duty, he had resigned his office. He cared not what reasons the noble Viscount assigned for it—he had heard others—and seeing and hearing what he did, he conjured the noble Viscount, if he thought that this act did not apply to such processions, as the one which had recently taken place, to take legal opinion on the subject, and to make it clear to the people of Ireland, that the law which did apply to Orange processions, was not violated on the recent occasion. It would at least be satisfactory to know this to a certainty.

The Marquess *Wellesley* said, it was not his intention to enter on the subject which had given rise to this discussion, however important it might be considered, and however anxious he might be to express his disapprobation of party proceedings, and still less was it his wish to call the attention of their Lordships to that unfortunate subject—the resignation of the office which he lately held. But this latter point having been alluded to by his noble Friend opposite (if he might be allowed to call him so), this much he must say, in correction of what his noble Friend had stated—namely, "that his resignation was founded on intelligence which he had received from Ireland, relative to the entrance of Lord Mulgrave into Dublin," that he was totally ignorant of the whole of the circumstances at the time when his resignation took place. He had at the time no knowledge of the matter whatever; and therefore he humbly requested, whatever opinion their Lordships might please to form on that event, to which some persons attached so much importance, but to which he attached none, that their Lordships would not be led away by the supposition that it was connected with anything that had occurred on the occasion of the noble Earl's entrance into Dublin.

The Marquess of *Londonderry* could but admit that the noble Marquess had evinced great talent whilst he was Viceroy of Ireland, but he must express a doubt whether his explanation would give satisfaction to those who were connected with, and were consequently anxious for, the welfare of Ireland. He said this more particularly after what had appeared in the public journals, and what had transpired in that House, with reference to the resignation of the noble Marquess. He had formerly alluded to that subject. He felt himself in a situation to do so. He thought himself at liberty to state what he had stated, in consequence of a communication which he had had with a noble and illustrious personage, who declared that he had the fact from the mouth of the noble Marquess himself. He was sorry that the noble Marquess had made his statement in the absence of that noble and illustrious personage; but, as the noble Marquess had addressed himself to the subject of his resignation, he would give him an opportunity at any time, on Tuesday next for instance, to enter into the causes which had led to his resignation, and to afford some information to their lordships on the subject.

The Marquess *Wellesley*, I repeat that my resignation had nothing to do with the procession which accompanied the noble Earl now at the head of the Government of Ireland. I must also again declare that I was ignorant of the circumstance attending it when I resigned. The noble Marquess opposite seems to entertain notions with respect to my reading, in which he is exceedingly inaccurate; it is not so extensive as to make me complete master of every sort of vague report that is spread abroad. I shall add one word more. I do not feel called upon—I should not feel justified, in entering in this House upon an explanation of the causes of my resignation of the office of Lord Chamberlain. If your Lordships are of opinion that I should enter on that explanation, let me be called upon in a distinct and regular manner; or, if you choose, institute an inquiry into the subject if you think it sufficiently grave; but without that I shall not think that I am required to give an explanation, nor shall I give it. I shall reserve my opinion on all public questions as an independent man, as I now am not engaged in any office, nor in any connexion which can in the very slightest degree fetter the expressions of my opinion on public affairs. That opinion will be formed as my reason suggests, and delivered as my pleasure may dictate; for it is not my duty as an officer of Government—it is not my task, to come down here and answer any questions that noble Lords may please to put to me. My opinion on public matters will be formed with independence, industry, deliberation, and, I trust, with integrity. Further I will not go, at the present moment, in answering the questions of the noble Lord opposite. I will not state the grounds of my resignation till I am called on so to do by your Lordships—till I am compelled by proceedings of this House, or by your instituting an inquiry which shall render my doing so absolutely necessary. I shall then, and not till then, think fit to reply to those questions. I will not make any disclosures not called for in a regular manner.

Lord *Wicklow* asked as a particular favour, that the noble Marquess would let him clearly understand whether he meant to say that the reason for his resignation was not in any way connected with the appointments which had taken place in Ireland?

The Marquess *Wellesley* did not feel himself at all required to answer that question.

The Earl of *Harrowby* understood the noble Marquess to say that his resignation was not owing to any thing that had passed on the entrance of the Lord-lieutenant into Dublin, because at the time he resigned, the noble Marquess was ignorant of that transaction; on that point he would not make a single observation. His noble Friend near him (the earl of Haddington), with the delicacy which was natural to him, and proper to the situation in which he was placed, had entirely confined himself to an explanation of the transaction which had been alluded to by the noble Viscount opposite, who had thought fit to make it a parallel to this Dublin procession. That parallel was one composed of dissimilitudes rather than of likenesses. If some unknown person had displayed an Orange flag over the box in which his noble Friend was sitting, how could such a fact be compared with a procession formally proclaimed and arranged by the person whom he need not describe except as the only individual who was ever held up to the reprobation of his country from that place (pointing to the throne)? The fact of such a procession being intended was communicated at the Castle of Dublin, and inquiry was made there for the purpose of learning the particular hour at which the Lord-lieutenant would land. The influence of the person to whom he alluded was known in Ireland to be powerful for any purpose; but for such a purpose was all-powerful. That individual had announced that he would not himself head the procession; and he did not. He would not then examine the particular reason given for that individual abstaining from doing so; but perhaps he thought it more dignified, and more becoming the regal station to which he was advanced, to make his entry into the Castle by proxy. He was unwilling in the absence of a noble Lord whom he had been accustomed to designate as his friend to reflect upon his conduct; but he professed that he would rather have exposed himself to be torn to pieces by that same Dublin mob, than to have entered the city in procession with them. He would not inquire whether, according to a strict technical interpretation of the law, the banners that were carried were legal or not; but he was inclined to say, that they were illegal. At all events, the whole affair exhibited the Government of the country as putting itself at the head of a party, and doing every thing possible, by means of menace, to affect the existence of the Protestant Church in Ireland. There could be no symptom more alarming to the future happiness of Ireland and the destinies of this country. What ought to be done, he had not the presumption to say; but if the Government had any hopes of maintaining tranquillity, after what it had done, it was not fit to be trusted.

Viscount *Melbourne* begged to explain, that any degree of concern he might have expressed was subject to the contingency of the noble Lord's statement being correct. But he did not admit that it was correct; for the accounts he had received were of an entirely different nature. Banners such as were described might have been carried, but their number did not exceed one or two at the outside. The statement made to him was, that the banners in general were not marked with any inscription of a seditious character. The sorrow he had expressed, therefore, was on the supposition that the facts were different from what they had been represented to him to be.

Lord *Farnham* begged to ask, whether the noble Viscount at the head of his Majesty's Government would consent to an inquiry into the facts connected with the entry of Lord Mulgrave into Dublin, either at the Bar of the House or before a Select Committee? He had heard from persons of veracity, present on the occasion, that the facts stated by his noble Friend were as he had represented them, and if the noble Viscount would not grant the inquiry he (Lord Farnham) asked for, the statement of the noble Viscount in opposition would not be entitled to the implicit reliance of the House.

Viscount *Melbourne* said that if the noble Lord would lay a Parliamentary ground for the inquiry he should of course be as ready to join in it as any of their Lordships. But the noble Lord was bound to show that the facts were different from what he had stated them to be, that the object was of sufficient importance, and that it was expedient and wise to enter upon such an inquiry, before asking their Lordships to grant it.

Earl *Fitzwilliam* would ask the noble Lord connected with the county of Wexford, whether he believed that an inquiry at the Bar of the House would be attended with any other consequences than to create excitement and irritation on both sides in Ireland, which would be destructive of those hopes of tranquillity which the noble Earl opposite seemed so desirous of realizing. There would be statement and counter statement, and notwithstanding all the solemnities with which an inquiry at the Bar was conducted, there would be great difficulty in arriving at that clear, distinct statement of the truth which would carry conviction to unwilling minds; and if conviction was not carried to unwilling minds, so far from such an inquiry carrying peace and tranquillity to Ireland it would have a directly contrary tendency. He trusted, therefore, that his noble Friend would pause before he yielded to this demand for Parliamentary inquiry into such a matter.

The Earl of *Roden* said, that the noble Earl was mistaken in what he supposed would be the effect of inquiry at the Bar of that House. A Member of the other House of Parliament could establish the facts as he had stated them, and they would, he doubted not, be admitted by the parties themselves who carried the banners, for they gloried in what they had done.

The Duke of *Richmond* regretted, that the procession in question should have taken place, and whatever number of these banners were carried, he was sure the noble Lord-lieutenant must himself regret it; for he must see that they would be displeasing to the majority of the people of this country. If there were flags exhibited such as had been described, he was sure that the Government must regret the fact, and he hoped his noble Friends would exert their influence with their Protestant brethren to abstain from any violation of the law.

The Marquess of *Lansdowne* said, he must enter his protest against its being understood that the whole power of the law would not in future be exerted by the Lord-lieutenant of Ireland, under the instructions he had received and would receive, to put down every species of illegal meeting and procession in whatever quarter, and for whatever purpose, it might be assembled. If the Dublin procession was not put down, it was because it was not conceived to be illegal. If it had been illegal, it would have been the duty of the noble Lord at the head of the Government to have taken measures to suppress it. But he knew of nothing more likely to compromise the peace of Ireland, and to lower the character of the Government, than attempting to stretch the provisions of a law which was limited in its application to subjects connected with religious differences.

The Earl of *Wicklow*: No; and I have it here.

The Marquess of *Lansdowne* would not now, although perfectly ready to do so at a fit time, enter into a discussion on the provisions of the Act in question; but he must say, that nothing would be more unfortunate than that this law should bear a construction which would suppress the expression of political feeling, which ought to be free, except to an extent which would endanger public peace and excite those religious animosities which it should be the object of the Legislature to prevent. The Government of Ireland ought not to exist as a Government if it did not use all its efforts, direct and indirect, to put down such ebullitions in future. But those who knew the doubtful description of such Acts must be aware that with all the efforts of the Government, no Act of Parliament could be enforced without the assistance of individuals, who should endeavour to substitute for the spirit of mischief a union which, on some topics at least connected with the general prosperity of the country, might exist among all classes.

The Earl of *Wicklow* said, that the speech of the noble Marquess who had just sat down was in direct contrast with that of the noble Viscount at the head of the Government. Both agreed that the Act of Parliament did not apply to such a case; but whilst the noble Marquess said that such ebullitions should be prevented, the noble Viscount said he should not regret that which had taken place if it were not in opposition to the Government.

Viscount *Melbourne:* No; I denied that the description given of the event was correct.

The Earl of *Wicklow*: If such processions were allowed to pass without inquiry and censure, he feared they would be made precedents for Protestant processions. Certainly the question could not be allowed to rest as it was.

The Marquess of *Londonderry* asked whether the noble Viscount would consent to lay before the House the letter he had received from the Lord-lieutenant, stating the circumstances connected with the procession, and the instructions which it appeared had been since sent out upon the subject?

Viscount *Melbourne* begged to be allowed till Monday to consider whether he should lay before the House the Lord-lieutenant's letter; but as to instructions since sent out to him, there existed no such document.

The Marquess of *Londonderry* understood the noble Marquess opposite to say that instructions had been since sent over to the Lord-lieutenant on the subject.

The Marquess of *Lansdowne* said that he alluded to his general instructions.

The Earl of *Roden* begged to assure the noble Duke (of Richmond) that he and his friends would do all in their power to discourage processions in violation of the law.

The petition was laid upon the Table.

HOUSE OF COMMONS,

Friday, May 22, 1835.

MINUTES. Bill. Read a second time:—Annual Indemnity. Petitions presented. By Mr. MARK PHILIPS, from Manchester, against the Imprisonment for Debt Bill.

LIVERPOOL POLICE.] Lord *Sandon* moved the Second Reading of the Liverpool Police Bill.

Mr. *Ewart* opposed the Motion. Though this was called a Police Bill, the real object of it was to provide payment for the clergy of the parish of Liverpool out of the funds of the Corporation. It bore the name of a Police Bill, it was true, but it contained a clause which enabled the Corporation to make provision for the clergy of Liverpool out of their funds. Had this clause not been observed in proper time the Bill might have passed through the House unnoticed, with this most extraordinary and most objectionable clause, and Liverpool would, if the Bill passed in its present shape, be completely shut out from the benefit of those legislative reforms of the public institutions of the country which were now in progress. Within the last ten years no less a sum than 120,000*l.* had been expended in paying the clergy of the parish and in the building and repairing of churches, by which the Dissenters and the Catholics did not benefit to the amount of one farthing. Was the House prepared to add to the already enormous patronage of the Corporation by passing such a Bill as this? If the Corporation wanted a police, or if they wanted to make provision for the clergy, let each object be provided for in a separate Bill, There was an efficient police already in Liverpool. The town clerk, when examined on the subject, spoke highly of its efficiency, and an officer of the metropolitan police, sent down by sir Robert Peel to inquire into the subject, reported the establishment as excellent. Two years back the Member for Middlesex (Mr. Hume) brought in a Bill to enable districts to establish a local police without the expense and trouble of carrying a private Bill through that House. Why should not the Corporation of Liverpool avail themselves of this without bringing a Bill of this kind before the House? The real object of the Bill was to render the clergy of this parish completely free from anything like popular control, in fixing their provision by Act of Parliament. He felt confident his noble Friend and Colleague would not, with all his talents, be able to invest the Bill with such a degree of plausibility as would induce a reformed House of Commons to pass it. He had no hesitation in calling it a job—a Corporation job—whatever might be the object it professed. He would move, as an Amendment, that the Bill be read a second time that day six months.

Lord *Sandon* hoped he should be able to satisfy the House that the Bill did not bear the character given to it by his hon. Colleague. It was not a job, nor a Corporation Bill. He regretted the necessity of being obliged to go into some detail, for the purpose of showing to the House what were the real character and the objects of this Bill. In the course of last year it was proposed by Lord Grey's Government to do away with Church-rates. The clergy of Liverpool would thus be deprived of one of the sources from which they derived their very moderate income and support. Application was made to the inhabitants of Liverpool to ascertain how it would be most advisable to act under those circumstances, and how it would be most advisable to provide for the maintenance of the clergy, which hitherto was derived partly from the Church-rates. The result was, that a deputation waited upon his noble Friend, the then Chancellor of the Exchequer (Lord Althorp), who, when the matter was explained to him, said, that, in the event of the Bill for the abolition of Church-rates passing, it would be only fair that provision should be made from some other source equivalent to the diminution of income that would arise from the abolition of Church-rates. The whole legal claim of the clergy of the parish of Liverpool was only 400*l.*, a sum totally inadequate to the wants of so large a parish. It was raised to 1,500*l.*, and this was the whole amount received by two rectors and four curates. The duties they had to perform were very far, indeed, from being a sinecure. There were two churches, and four full services on the Sabbath, besides morning and evening prayer on other days. There were 170,000 souls to be attended to. The House must see, therefore, that the situation of the clergy of Liverpool was no sinecure. There was ample employment, with but very moderate remuneration, which would be greatly diminished when the Church-rate was done away with. So convinced was Lord Althorp that some substitute ought to be provided to make up for the loss to the Church that he suggested the raising of an equivalent sum through the Poor-rates, and paying it to the clergy. The objection to this course was, that the payment made in this way to the clergy would be levied upon all classes and religious persuasions. There was, therefore, against such a course the same objection that lay against the Church-rate. Under these circumstances, a deputation from the inhabitants in general waited on the Magistrates of the town, and prayed them to devise some means of meeting the difficulty. After mature consideration, they thought the most advisable course would be to embody a clause in the Police Bill, by which the difficulty would be effectually, and, as it appeared, most fairly and properly remedied. His hon. Friend said, there was already an efficient police in Liverpool. Now, the truth was, the whole force amounted only to fifty, and they were employed in the prevention of robberies and nocturnal depredations. It must be quite obvious that this number was not sufficient in a place of such a vast population, even for night service alone, much less for the performance of police duty during the day. These were the considerations which led to the introduction of this Bill. The establishment of an efficient police was the real object, and not, as his hon. Friend said, the making a provision for the clergy. The parish came to an agreement to pay two-thirds of the police-rate, and the other third was to go to the clergy, as an equivalent for their loss by the removal of Church-rate. In considering the claims of the clergy it must be remembered that the Corporation derived considerable income from land which had formerly been set apart for the use of the rector of the parish. The objection of his hon. Friend, grounded upon the circumstance, that persons of various religious persuasions would be called upon under the Bill, to contribute to the support of a clergy from which they derived no spiritual benefit, would not, he apprehended, weigh with the House, at least so long as there was a Church connected with the State, and established by law. When the matter was last considered by the vestry there was not one dissentient voice. He believed the Dissenters of Liverpool themselves were most anxious to see an addition made from this, or from some other source to the income of the clergy. The Grand Jury received the presentment for the establishment of a police, and the Recorder was favourable to the measure proposed. Under these circumstances he trusted the House would reject the Amendment proposed by his hon. Friend.

Mr. *Pryme* said, that the merits of the Question resolved themselves into a single point. It was not so much whether the clergy of a peculiar religion should be maintained by all classes, but whether a fund destined for the benefit of the community at large should have a portion of it appropriated to the benefit of a particular part of that community. Corporate funds, he maintained, were held in trust for the benefit of the whole community. He stated his belief that the churches of Liverpool were very inadequately endowed, and he should like to see endowments made for them, but he must maintain that the Corporation Funds, to which the Dissenters contributed, should not be appropriated to such purposes. He would therefore, vote for the Amendment.

Mr. *Thornely* said, that he had been requested to support the petition which his hon. Friend, the Member for Liverpool, had just laid upon the Table of the House. Locally connected with Liverpool, he was able to state that the majority of the inhabitants were strongly opposed to the Bill now under consideration, and it was regarded by them as an evasion in anticipation of the measure of Muncipal Reform which it was generally understood to be in the contemplation of his Majesty's Government to submit to the Legislature. The Bill might have the support of the Corporate body, which was said to consist of the Mayor, Bailiffs, and Burgesses, though the business was conducted by forty-one self-elected Common-councilmen, but he denied that this body represented the feelings of the majority of the town. The subject had been brought under the consideration of the parish vestry in October last, when, out of between 8,000 and 9,000 rate-payers, only 97 attended. The rector was in the chair, and granted a poll on its being demanded, when sixty-three persons voted in favour of the Bill, and thirty-four, of whom he (Mr. Thornely) had been one, voted against it. He contended that this small division did not by any means manifest the feelings of the town on the subject; and though the Bill had been recommended by the Grand Jury and by the Recorder, still, it ought to be remembered, that the latter, as well as the foreman of the Grand Jury, was a member of the Corporation. In short, he was satisfied this Bill would never have been heard of, had it not been that certain parties in the Corporation wished to steal a march on the good effects expected from the general Government measure of Municipal Reform, and upon the result of the Bill with reference to Church-rates. On the whole, the Corporate Funds, amounting to 100,000*l.* per annum (of which 50,000*l.* was paid by the natives of England, Ireland, and Scotland, in the shape of town dues), were perfectly adequate for the addition which this Bill contemplated fixing upon the public, and he should certainly vote for the Amendment moved by his hon. Friend, that this Bill be read a second time this day six months.

Lord *Francis Egerton* said, he should not have risen but that he wished to call the attention of the hon. Member for Cambridge (Mr. Pryme) to one fact. The hon. Member had objected to the Bill, because it contemplated a diversion of Corporate Property to purposes other than that for which it was intrusted to the Corporate body. He begged to inform the hon. Member, that very considerable property was vested in the Corporation of Liverpool, for the express purpose of enabling them to provide adequately for the rectors and clergy of that extensive and important parish, and, therefore, the objection of the hon. Member was done away with, so far as the provisions in the Bill with reference to the clergy. On this Bill a vestry had been held in the manner stated by the hon. Member for Wolverhampton; but since that period a still more recent general vestry had been held, as stated by his noble Friend, the Member for Liverpool, when no objection whatever was made to this Bill. He was surprised to hear the hon. Member for Liverpool (Mr. Ewart) treat it as a job. [Mr. *Ewart* did not so treat it.] He understood, from what the hon. Member said, that he regarded it as a job of the Corporation. If he thought it a job, he would be the last man to vote for it. If the Corporation had it in trust to make provision for the clergy, they must do so in this or in some other way. He was not disposed to deny the respectability of the opposing party, but he did deny their numbers; and as a proof that that opinion on the subject had changed in some quarters, he might mention, that the petition against it, intrusted to the hon. Member for Liverpool (Mr. Ewart), had since been withdrawn from his hands.

Mr. *Sheil* thought that a decisive answer might be given to the supporters of the Bill, from the mere fact stated by the noble Lord, that the Corporation of Liverpool held funds in trust for the payment of the clergy. If so, why were the inhabitants generally to be called upon to contribute, and moreover to pay two-thirds of the expense of maintaining the proposed police? All that the rectors could claim by law was 400*l.* a year; but this was an attempt to saddle the inhabitants of Liverpool with 350*l.* a-year in addition. He was assured by the hon. Member for Liverpool, that the inhabitants at large were averse to the measure; and why could not the matter rest until the Bills to regulate Municipal Corporations and Church-rates were before the House? An inquiry had been made into the several Municipal Corporations, and a measure for the reform of those institutions was actually in readiness. Under such circumstances he could not but consider this Bill as a sort of pious fraud and holy device for the benefit of the Liverpool Corporation and Church. Why not let the matter rest until the Corporation Bill was introduced? Where was the necessity for this haste? He would tell the House, this was a specimen of the expedients which Corporations at this moment were disposed to adopt for the purpose of evading the law, and frustrating the effect of the anticipated Reform. He had only lately received, from the party on whom the utmost reliance could be placed, a statement that the Corporation of Lincoln had met to consider the adoption of measures for the speedy disposal of the Corporate Property. It was proposed to convert the whole into freehold property, and thereby withdraw it from the operation of any reform. Again, calling to mind the non-necessity of hastening this Bill, and the certainty of a Corporation Measure being shortly introduced, calling to mind also the injustice which this Bill would commit on the Dissenters, he did hope that its further progress would not be pressed, or if it were, that hon. Members would join with him in opposing it.

Lord *Stanley* could not but think, notwithstanding the impassioned address which had been delivered by the hon. and learned Member for Tipperary, that the House would fall into the very error against which he had cautioned them, that of coming to a precipitate and unadvisable conclusion, if they departed from the ordinary course of proceeding, and determined to reject this Bill upon the second reading. He could not but think that the adoption of such a course would be far more precipitate than if they allowed the assertions on one and the other side to be thoroughly sifted and canvassed by the tribunal to which it was proposed to refer the consideration of the Bill. He much regretted that the hon. and learned Member should have thought it necessary to mix up with the immediate Question before them topics of a general nature, certainly only calculated for a discussion upon Corporate Reform, and for those important and extensive measures of which he understood, and which he sincerely hoped, would speedily be brought under the notice of the House by his Majesty's Ministers. The hon. and learned Gentleman, in the course of his address, had affirmed that a vast proportion of the people of Liverpool was opposed to this Bill. Now, that was a point, he submitted, which would more properly and more fairly come under the consideration of the Committee. So far as the House was yet acquainted with the fact, it derived its knowledge from the assertion of the hon, and learned Member, and the hon. Member sometimes made assertions merely by way of rhetorical flourish. Now these were the facts which were in the possession of the House. Out of the whole body of the inhabitants of Liverpool only thirty-four persons recorded their votes against this Bill, and on another occasion sixteen vestrymen, having thought fit to petition against the Bill, gave such displeasure to their constituents, that at the next vestry meeting they were removed from their offices, and supplanted by others whose support had been given to the measure. The whole number consisted of eighteen; of these sixteen were hostile to the principle of the Bill, and they without any difficulty were removed, and sixteen supporters of the principle elected in their place. At this parish election, be it moreover remembered, the votes were not given according to the amount of property, but upon the most approved basis of equality. So much for the public opinion of Liverpool in regard to the matter, and for the vast preponderance of opposition, and for the consequent necessity of throwing out the Bill, and leaving all to the coming measure of Corporate Reform. With regard to the Church-rates of Liverpool, this was a very peculiar case. It was admitted so to be by his noble Friend, the Secretary of State for the Home Department (Lord John Russell), and by the noble Lord who formerly filled the office of Chancellor of the Exchequer (Lord Althorp); and it was stated by them that if the Ministerial measure relating to Church-rates were approved of and passed, it would be absolutely necessary to make certain provisions for meeting the specific case of Liverpool, where there was no endowment for the clergy. Under these circumstances, and there being a general desire for the improvement of the police, it was determined both by the parish and the Corporation to send up a Bill to Parliament, comprising provisions for improving the police, and also for putting an end to the difficulty which existed in reference to the local Church-rates. What course did they take? Why, they agreed upon their terms, and then asked to go before the ordinary tribunal, by which they well knew every provision in their Bill, from first to last, must be searchingly sifted and examined. What course could be fairer and more likely to give satisfaction to all? "But no," says the hon. and learned Member for Tipperary; "I will not allow this. I call on this House not to act precipitately; therefore, I call on them to throw out the Bill precipitately." Could the House really believe that the hon. and learned Gentleman had fairly and candidly stated the ground on which he wished the House to throw out the Bill at once? Was not the real fact this? It was felt that by the Bill which had been agreed to both by the inhabitants and Corporation of Liverpool, a greater degree of firmness and stability would be given to the very moderate provision of the clergy of a large and increasing population. On that ground it was that the House was called upon not to act, and yet to act, with precipitance, and to prevent the completion of a beneficial and satisfactory measure. When the hon. and learned Gentleman said that the Corporation of Liverpool ought not to spend their funds for the benefit of the Established Church, he begged to remind the hon. and learned Member that the Corporation held a considerable portion of their property on a grant in trust for the purpose of enabling them more adequately to provide for the Clergy of the Established Church, and of remunerating those spiritual services on which, from the increase in population, the calls were now more frequent and onerous. Against this grant not a single voice had been raised, either by Dissenter or any other, since the year 1752 up to the present period. Under these circumstances he hoped that the House would not act with such injustice as to postpone indefinitely the second reading of this Bill, but would allow it to go, in the ordinary course of proceeding, to a Committee, where the details would be properly discussed. He would readily admit that this measure ought not to clash with the Corporation measure about to be introduced, and therefore he should hope that his noble Friend would see the fairness and expediency on all accounts of not pressing the third reading of the Bill until he was acquainted with the Ministerial plan of Corporate Reform. This was the equitable way of proceeding. He wished for nothing out of the ordinary course of legislation. He only pressed for the second reading of this Bill, because to the principle no substantial objection had been made, and in regard to the details a Committee was the proper tribunal for examining them.

Mr. *Sheil:* I rise, Sir, to explain one circumstance relating to the Bill, and not, of course, to answer the very unprovoked —[*Cheers interrupted the hon. and learned Member, and the conclusion of the sentence was lost.*] Perhaps I have no right to advert to what I do not call a wanton attack, but certainly a venomous one.—[*Cries of "Spoke, spoke," and "Order!"*] —I know I have no right to speak again. I feel that. But upon other occasions other individuals who have been attacked have been allowed to make ———

Lord *Stanley:* Will the hon. Gentleman allow me to interrupt him, and assure him that if I have used one word personally painful to his feelings, such was not my intention?

Mr. *Sheil:* Oh! the words of the noble Lord are like the spear of Achilles; they wound with one end and heal with the other.—["*Spoke.*"]—I must explain. The noble Lord says, that I made assertions on my own authority—assertions which he calls rhetorical flourishes, and which, he adds, I am in the habit of making. I say that it is a wanton provocation. I say that I made no assertions on my own authority. The assertions were those of the hon. Member for Liverpool and of the hon. Member for Wolverhampton. The noble Lord forgets those hon. Members, and attributes them only to me.

Sir *Robert Inglis:* I rise to order. I put it to the Chair, whether the hon. and learned Member is not at this moment making a distinct speech? I believe that this is against the rules of the House.

The *Speaker* was understood to say that the hon. Member in explaining that he had not made assertions on his own authority, the hon. and learned Member was so far in order. Beyond that he had not gone, nor would he be in order if he did.

Mr. *Sheil*: I bow willingly to your decision, Sir, however I may think I suffer by it.

Sir *Robert Inglis* rose amidst some confusion —I never heard any hon. Member after receiving an apology like that of my noble Friend, make use of such an adjective as the hon. and learned Member has used. I never knew any hon. Member persevere—[Mr. Sheil again rose, but cries of "Order," compelled the hon. and learned Member to resume his seat.]

Mr. *Finn*: Is the hon. Baronet in order?

Sir *Robert Inglis*: The hon. Member does not know me if he thinks he can so easily put me down. The hon. Member for Tipperary is the first individual in my memory, and I hope he will be the last, who, after such an apology as that made by my noble Friend, with his accustomed feelings of high honour, should again and again have stated what he has. I say this not in particular justification of my noble Friend, but as I would have said had any other hon. Member been placed in similar circumstances. An hon. Member makes a remark, which appearing to give pain to another he immediately retracts; and yet, notwithstanding this apology, the other hon. Member persists in declaring that he has been attacked, and that to such an attack he will reply. To a scene of this description, so discreditable to the dignity and order of our proceedings, is it not essential that some stop should be put? I will now, Sir, advert to the subject immediately before us. I was certainly not the person who diverted the attention of the House from that subject, and when the hon. Member for Tipperary rose to instruct us I did not know, this being a Committee of Supply day, but that he would take some opportunity of adverting to that notice which he lately gave. I cannot now but feel that he might with some consistency have left the matter to hon. Members more directly connected with such a local question—particularly a question involving the very point in respect to which the hon. and learned Gentleman was necessarily ignorant.

Mr. *Wilks* begged to express his hope that, notwithstanding the eloquent appeal of the noble Lord, the House would not allow this Bill to proceed further, opposed as it was to the feelings of the majority of the most wealthy and respectable inhabitants of the town of Liverpool. The House ought to recollect that the majority of the people of that town were dissenters from the Established Church, and, therefore, they ought not to be astonished that the hon. Member for Tipperary was opposed to the Bill, when they knew that 2-8ths of the population were of the same persuasion as the hon. and learned Member. It was also to be recollected that the Dissenters of Liverpool considered themselves as placed in a state of peculiar oppression, and complained greatly of the violation of their rights. The Corporation of Liverpool had a council, consisting of

64; and, though the Test and Corporation Acts had been repealed, not a Dissenter had as yet been admitted into it. They had not allowed one Member of any sect except that of the Church-of-England, to become one of their Corporation, though twenty-three of the Bankers and Merchants of Liverpool were Dissenters. The truth was, that this Bill, bearing the name of the Liverpool Day-Police Bill, was framed for the purpose of giving a permanent appropriation of the public money to the clergymen of the Established Church—although the Corporation was bound to provide for them out of the property entrusted to them for that very purpose. On the showing of the noble Lord that was the case. Then, he asked, how could the Corporation account for their conduct in the past century—during which the salary paid to the rectors and curates had been paid, not out of the property in trust, but out of the pockets of Dissenters and Roman Catholics? Under these circumstances he hoped the House would not consent to the further progress of the Bill.

Mr. *Mark Phillips* protested against Church matters being surreptitiously introduced into a Police Bill, and the entailment of this charge upon the people of Liverpool.

Lord *Sandon* begged permission to explain that the Bill stated in the title that it was to provide for the improvement of the Town Police, and for the payment of an annual sum for the parochial clergy of Liverpool.

Colonel *Sibthorp* would assure the House, as some allusion had been made to the Corporation with which he was connected, that when its affairs were brought forward the corporate authorities would be found to have acted with the greatest purity.

Dr. *Bowring* begged, as a Dissenter, to protest against the opprobrium which the hon. Baronet opposite sought to throw upon those who differed from his own religious creed. He would not intrude upon the House further than to protest against that House being set up as a religious tribunal.

Mr. *O'Connell* rose to protest against the Bill, on behalf of a number of the contributors to the fund which the Bill proposed to dispose of. The city which he (Mr. O'Connell) represented was a great contributor to the Corporation funds of the town of Liverpool. He protested against the Bill, because there were 45,000—he was told 62,000—Roman Catholics resident in Liverpool, not one of whom had ever been admitted into the Corporation of that town. There were also an immense number of Protestant Dissenters resident in the town, not one of whom had ever yet been admitted into the Corporation; and yet charges of bigotry were constantly heard against those who were opposed to the oppressors and the exclusionists. He was not, indeed, much surprised that the noble Lord should take a fancy to a Bill which included at once provisions for police and parsons; but he (Mr. O'Connell) submitted the Bill was a fraud upon the House. There was not one word about the clergy in the recital. In the title it was true there was a slight mention of them; but neither in the recital nor the preamble was the slightest allusion made to them. Until you came to the 13th page of the Bill not one word was said about the clergy. In the 14th page of the Bill the clergy were introduced; but under what head were they introduced?—how was the attention of the House directed to their introduction? They were introduced under the head of "Limitations of Actions". How could a parson grow up under that clause? He had certainly heard of the precedent of a Turnpike Bill, in which a Bristol Magistrate obtained the introduction of a clause to enable him to send his slaves from one island to another in the West Indies in spite of any local act to the contrary. The present Bill appeared to furnish an instance of a similar exercise of ingenuity. Here the day police of the town were mixed up with the parsons of the town; and this was done because it was said that the Corporation had funds in trust for the clergy. They did not want an Act of Parliament to execute the trust, but they did want an Act of Parliament to evade it, by throwing the burden upon others. There was not one word about the trust in the Bill—it was entirely omitted. There was something oratorical in stating that 34 only voted against the Bill, and on the other side keeping back the equally important fact that only 63 voted for it; and when it was found that neither Catholic nor Protestant had ever supported it, was not the House to be convinced by the assertions of the hon. Gentleman near him, that the majority of the people of Liverpool were essentially opposed to it? "It is an attempt," exclaimed the hon. and learned Gentleman—"it is an attempt to prevent the reform of Corporations which we have in contemplation. Yes, all of us on this side of the House, and many on the other side also, are prepared for a measure of Corporate Reform; but in the meantime this Bill, is brought, in the hope that it may go to a Committee, and that by some accident—such things have happened before—persons who have not heard one word of the merits of the Bill may come down and vote in its favour. The Bill is pressed forward now in the hope that 63 persons may be got together again, as they were got together before, to vote for the Bill whether they understand it or not." If a police bill were wanted, why not introduce a police bill? but do not, under the name of a police bill, introduce a parson bill—do not establish the unnatural conjunction of thief-takers and parsons in the same measure. It was a most ridiculous and preposterous conjunction. And who made it ridiculous and preposterous? Was it he who exposed the ridiculousness and preposterousness of it, or was it he who was guilty of the absurdity of proposing so absurd and unnatural a conjunction? He knew that insinuations were thrown out by those who could not speak openly. There was not a worse habit of persecution than that of insinuation. If any man had been guilty of what had been foully and foolishly stated elsewhere, let it be openly and manfully avowed. He alluded not to any who sat within the House, but to those who out of the House had stated things which no one in the house would dare to assert. If there were any truth in the insinuations to which he referred, let it be spoken out manfully. He was not one of those who would merely insinuate. If there were such an insinuation to be made, let it be boldly put forth in words. Until it were so put forth, he should treat it with sovereign contempt.

Mr. *Goulburn* observed that the hon. and learned Gentleman complained grievously of those who alluded to the motives of the persons who conducted public measures, or who took part in them in Parliament; and yet the whole of the hon. and learned Gentleman's speech on that occasion had been an insinuation of motives against those who brought forward the present Bill. Throughout the whole of his speech the hon. and learned Gentleman had insinuated, that it was the intention of the promoters of the Bill to obtain surreptitiously from the House a provision for the clergy of Liverpool, under the plea of providing for the police of that town. The hon. and learned Gentleman had asserted that there was no mention of the clergy in the early part of the Bill; but if the hon. and learned Gentleman had condescended to read the title of the Bill, he would there have found the objects of the Bill expressly specified. The noble Lord, the Member for Liverpool, had read the title of the Bill to the House; but as it seemed so soon to have passed from the recollection of several of the hon. Gentlemen who were present, he might perhaps be excused if he ventured to read it again. It was entitled "A Bill for the establishment of a day police force in the town of Liverpool, and to provide for the payment of annual sums to the parochial clergy." But then, said the hon. and learned Gentleman, "the preamble contains not one word of the clergy." What was the fact? Why, that, instead of one, there were two preambles—one relating to the police, the other to the clergy. That which related to the payment of the clergy, not only stated that it was expedient that the payment should be made to the clergy, but entered into a detail of the whole of the circumstances which rendered the payment necessary. And that being the state of the Bill, the hon. and learned Gentleman, with that fact before him, after imputing to those who advocated the Bill an intention to act surreptitiously, concluded by a laudable lecture upon the impropriety of insinuating motives. The Question before the House was simply this:—an arrangement had been entered into by the inhabitants of Liverpool for the establishment of a day police, and for the payment of the clergy. They desired the House to consider, in Committee, whether the arrangement into which they proposed to enter was fair and proper; whether the funds in question could be fairly and properly applied to the purposes mentioned in the Bill. In that shape did the question come before them, and he (Mr. Goulburn) contended, that justice required that they should go into Committee, and inquire whether the arrangement proposed to be entered into by th inhabitants should be affirmed or refused by the House. The hon. and learned Gentleman said, "No!—I will not hear the parties before a Committee of the House—I will not entertain the proposition, however favourably it may have been received at Liverpool—I will crush it at the outset, lest it should go towards the establishment of a principle which I should object to." Such a course of proceeding did not accord with his (Mr. Goulburn's) idea of fairness. He would say, "Go into Committee! inquire whether the Corporation have the right to apply these funds—whether, if so applied, they will be beneficial to the town, and then let the House determine whether the Bill shall pass or not."

Mr. *O'Connell* rose to explain. The right hon. Gentleman had checked him, and had reproached him with having accused others of having made insinuations that they would not clothe in the words of a direct charge; and the right hon. Gentleman had also accused him of making or insinuating charges against the promoters of the Bill out of the House. He had insinuated no charge. The difference between an insinuation and a direct charge was precisely the course that he took. He made no insinuation against the parties; he charged them directly. As to what he had said about the preamble, if anybody would look to the Bill itself, they would at once perceive what he had alluded to. What he (Mr. O'Connell) had said was, that, up to page 12 of the Bill there was no mention of the clergy; nor was there. In the 13th page, in the middle of a section, entitled "Limitations of Actions," for the first time, by a rhetorical flourish, was a preamble relative to the clergy introduced. That was, certainly, a queer way of introducing a preamble.

Mr. *Goulburn:* What the hon. and learned Gentleman said was, that there was an intention to take persons by surprise in introducing a question for the payment of the clergy in a Bill which professed to be for the establishment of a day police. In reply to that, he (Mr. Goulburn) stated, and he repeated, that the title of the Bill distinctly denoted the whole object of the Bill; and that although the preamble to the first part related only to the police, yet that there was a second preamble setting forth the whole of the objects of the Bill as regarded the clergy.

Sir *Charles Burrell* (as we understood) congratulated the Government on the now avowed accession of the hon. and learned Member for Dublin. The hon. and learned Member had said,—"The measures of Corporate Reform which we contemplate."

Mr. *Potter* had always thought that the preamble of a Bill stood upon the first page; but in the present instance it seemed it would be necessary to wade to the 13th page before more than one-half of the purposes of the Bill could be discovered.

On the question that the Bill be read a second time, the House divided: Ayes 185; Noes 171; Majority 14.

List of the Noes.

Aglionby, H. A.
Angerstein, J.
Baines, Edward
Barnard, George
Barron, H. W.
Beauclerck, Major
Bellew, R. M.
Berkeley, Capt.
Bewes, T.
Blackburn, John
Bowring, Dr.
Brady, Dennis C.
Brocklehurst, J.
Brodie, W.
Brotherton, J.
Browne, Rt. Hn. D.
Buckingham, J. S.
Buller, Charles
Burdon, W. W.
Callaghan, D.
Campbell, Sir J.
Cayley, E. S.
Chalmers, P.
Clive, E. B.
Cobbett, W.
Cockerell, Sir C.
Crawford, W.
Crawford, W. S.
Curteis, Herbert B.
Dalmeny, Lord
Denison, W. J.
Dennistoun, Alex.
Divett, E.
Duncombe, T. S.
Dundas, Hon. J.
Dunlop, Colin
Edwards, Colonel
Elphinstone, Howard
Evans, George
Evans, Colonel
Ferguson, R.
Ferguson, Sir R.
Fergus, John
Fielden, J.
Finn, W. T.
Fitzsimon, C.
Fitzsimon, N.
Folkes, Sir Wm.
Gaskell, D.
Gisborne, T.
Goring, H.
Grattan, J.
Grote, G.
Gully, J.
Hall, Benjamin
Harvey, D. W.
Hay, Colonel L.
Hawkins, J. H.
Hawes, B.
Heathcote, R. E.
Heathcoat, J.
Heron, Sir R.
Hindley, C.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Hume, J.
Jervis, John
Kemp, T. R.
Kennedy, J.
King, E. B.
Langton, W. G.
Leader, J. T.
Lefevre, C. S.
Lennox, Lord G.
Lister, E. C.
Lushington, C.
Lynch, A. H.
M'Cance, J.
Macleod, R.
Macnamara, Major
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Maule, Hon. Fox
Methuen, P.
Molesworth, Sir W.
Mostyn, Hon. E. M.

Musgrave, Sir R.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, Morgan
O'Connell, J.
O'Connell, M. J.
O'Connell, Maurice
O'Connor, Feargus
O'Dwyer, C.
O'Loghlen, Sergeant
Ord, W. H.
Ord, W.
Palmer, General
Parker, J.
Parrott, J.
Parry, Colonel
Pattison, J.
Pease, J.
Philips, G. R.
Philips, M.
Potter, R.
Power, J.
Power, P.
Pryme, G.
Robarts, A. W.
Robinson, G. R.
Roche, W.
Roche, D.
Roebuck, J. A.
Rolfe, R. M.
Ronayne, D.
Rundle, J.
Ruthven, E.
Ruthven, E. S.
Sanford, E. A.
Scholefield, J.
Scourfield, W. H.
Scrope, P.
Seale, Col.
Seymour, Lord
Smith, J.
Speirs, A. G.
Stanley, E. J.
Strickland, Sir G.
Stuart, Lord J.
Steuart, R.
Strutt, E.
Talbot, J. H.
Talfourd, Sergeant
Tennyson, Rt. Hn. C.
Thornely, T.
Tooke, W.
Trelawney, Sir W.L.S.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Villiers, C. P.
Walker, R.
Walker, C. A.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, Colonel
Westenra, Hon. H. R.
Whalley, Sir S.
Wilbraham, G.
Williams, Sir J.
Williams, W.
Wilks, S.
Wilmot, Sir E.
Wood, C.
Wrightson, W. B.
Wyse, T.
Young, G. F.

TELLERS.

Ewart, W.
Sheil, R. L.

PAIRED OFF.

Clay, W.
Tynte, C. J. K.
Hutt, W.
Carter, B.
Codrington, Sir E.
North, F.

Bill read a second time.

CONDUCT OF PUBLIC BUSINESS.] Mr. *Cobbett* rose to complain of the irregularity and uncertainty with which public business was generally conducted.

The *Speaker* informed the hon. Member that there was no question before the House, and it was irregular for him to proceed, unless he meant to conclude with a motion.

Mr. *Cobbett*—Then, Sir, I will make a Motion. The Ministers of the Crown, he must observe, were expressly bound to give the House every explanation they could reasonably require; and so to conduct the public business as to enable them to understand its progress, and to transact it most conveniently. With the present Ministry, however, there was no knowing what was to be done. First they brought forward the Navy Estimates, then the Civil Contingencies; then they left the Civil Contingencies and took a dip at the Army Estimates. Well: the House might reasonably have expected that they would have proceeded with the Army Estimates until they were completed—no such thing; to-night they were to go on with the Navy Estimates, and perhaps before they finished them they would be called upon to proceed with something else—he knew not what. He would, therefore, move the following resolution:—"That it is the opinion of this House, that when an Estimate of any description is presented to the House, the moving of all the votes in that estimate should be continued until the estimate be concluded."

Lord *John Russell* was sorry he could not concur in the motion of the hon. Member; but as he considered that it would have the effect of placing an undue limit to the discretion of Ministers, he felt himself obliged to resist it.

Resolution negatived.

DISSENTERS' MARRIAGES.] Sir *Robt. Peel* begged to ask what course was to be pursued with respect to business, as there were several Orders of the Day equally important, the first of which was the Dissenters' Marriages Bill, which stood for a second reading? He had brought in that measure as a Member of his Majesty's Government in concert with the rest of his colleagues. He then thought, and he conceived the House could entertain no doubt, that it was a measure the conduct of which ought to be undertaken by the Executive. At the same time, as he had reason to believe, from some discussion which took place upon the introduction of that Bill, that there would be no very marked difference of opinion as to the principle on the second reading, he thought it would be inexpedient to drop the order altogether, and at once abandon the charge of it. If, however, his Majesty's Government contemplated any alteration in that Bill which would materially vary its character, he thought it quite clear that the second reading ought to be proposed by them, and that they should fix a convenient day for that purpose. He wished, therefore, to ascertain the noble Lord's intentions with reference to that measure. Of course the main character of the Bill must depend upon its details—and if the noble Lord, approving of the principle, proposed to make any alteration in those details, he would then deliver up the charge of the measure to him, as the representative of the Executive in that House. The noble Lord, in all probability, had made up his mind upon the subject, and would be able to state whether it would be more convenient to read the Bill a second time that night, or to adjourn the second reading to some future day. If there was no objection taken to the principle of the bill, or if Gentlemen were willing to take the discussion in a future stage of the proceeding, he was willing to move the second reading *pro formâ*. He believed an hon. Member opposite had a notice on the paper which affected the very existence of the Bill. He was not aware whether it were the hon. Member's intention to persevere in that motion, or whether he would waive his objection until the measure came to be considered in Committee.

Mr. *Kennedy* was desirous of stating, that he had understood that the right hon. Baronet would not bring forward the Bill again, but that another would be substituted by the present Government. Under these circumstances he had withdrawn his notice; and as he had assigned this as his reason for doing so to several persons who had applied to him on the subject, he hoped the right hon. Baronet would not persevere. Many petitions had been prepared against the measure, but they had not been forwarded, on the understanding and for the reasons he had already stated.

Sir *Robert Peel:* The hon. Gentleman had, perhaps, better means of ascertaining what the intentions of his Majesty's Government were than he possessed. He certainly did not understand that they intended to abandon the measure altogether, and he was sure that he had never authorised the hon. Gentleman, by any act of his, to suppose that he meant to give it up. At the same time, if the Ministers thought it expedient to drop this Bill, and to introduce another entirely differing in its character, he had no wish to press the second reading. If, on the other hand, they, approving of the principles, intended to modify it by alteration in detail, he was ready to give it up to them.

Mr. *Kennedy* certainly had neither the authority of the right hon. Baronet, or of any Member of the Government, for the impression he had just stated; but it was his general impression, nevertheless. His idea of what his Majesty's Ministers intended to do, was derived entirely from the tenor of the noble Lord's speech in Devonshire.

Sir *Robert Peel* was quite certain the hon. Gentleman had acted under the impression he had just stated. He only wished to add, on his own behalf, that when the Bill stood for a second reading before, he distinctly expressed his wish that the Government would undertake it. He had, therefore, postponed it—not to a distant period, but to a day by which he thought it likely the noble Lord would have taken his seat in the House. He had acted thus from a conviction of the expediency of passing the measure with as little delay as possible.

Lord *John Russell* gave the right hon. Baronet full credit for his exertions on this important subject, but must say, at the same time, he thought the Bill now before the House did not appear likely to answer the object of affording practical relief to the Dissenters unless considerable alterations were introduced into it. He believed that such was also the impression of his hon. and learned friend the Member for the Tower Hamlets, who had expressed his doubts on the introduction of the Bill, but who was not now present to state his opinion. Since the measure was under discussion on a former occasion, he had not had sufficient time to consider the details of the subject, or to make up his mind as to what alterations he should propose himself, or support if proposed by other Members. Perhaps it would be better that the second reading of the Bill should be postponed under such circumstances; at all events, whether it were or not, before the proceeding could reach another stage, he would communicate to the right hon. Baronet whatever alterations he might consider necessary, and then the right hon. Baronet might either go on with the Bill or leave the question in the hands of the Government.

Sir *Robert Peel* said, that he was certainly prepared to propose the second reading of the Bill and support it in its present shape; but the noble Lord's present communication was sufficient for him as to what ought to be his future course, and, therefore, with the noble Lord's permission, he would deliver up to him the charge of the measure altogether for the future. At the same time, if there were no objections raised, and if it was understood that there should be no discussion on the present occasion, he had no objection to move the second reading now, as a formal proceeding.

Mr. *Kennedy* observed, that he had given notice of his intention to propose an Amendment on the Bill when the right hon. Baronet sat on the Ministerial side of the House; but it was not now necessary to press it. He approved of the Bill on this subject which was proposed last year by the noble Secretary for the Home Department, the main parts of which Bill had been embodied in the present measure, and under such circumstances he thought he should be able to approve of the course which he doubted not the noble Lord would take, and was content to leave the matter in his hands.

Lord *John Russell* said, that the only communication he recollected to have received on this subject, when the right hon. Baronet was at the head of the Administration, proceeded from a large body of individuals who did not conceive it expedient to oppose the second reading of the Bill, but were content to have there opinions expressed in Committee.

Mr. *Wilks* had no objection to the second reading, but thought that the Bill would require considerable alteration in Committee.

Sir *Robert Peel* would be extremely sorry that any unnecessary delay should occur in the progress of the measure at this period of the Session, and repeated that, with a view to remove all difficulty, he was willing to move the second reading, *pro formâ*, on the present occasion, and then to deliver up the Bill to the control of Ministers.

Mr. *Mark Phillips* would offer no objection to the second reading under such circumstances.

Sir *Robert Peel* moved the second reading of the Bill.

Mr. *Kennedy* said, that the Bill in its present state was exceedingly obnoxious to the feelings of the Dissenters, inasmuch as it tended to deprive the Ceremony of Marriage of its religious character. He thought that the one proposed by the noble Lord (Russell) last year was not open to the same objection.

Mr. *Hume* was of opinion that the right hon. Baronet (Sir R. Peel) had acted wisely in leaving the conduct of the Bill in the hands of the present Government, for by the Government alone could it be properly managed. He trusted, that the Government would propose a much more comprehensive measure than that introduced by the right hon. Baronet, and remove all grounds for discontent on the part of the Dissenters, by placing them on the same level, as regarded Civil Rights with the Members of the Church of England. He believed that no Bill for the regulation of Dissenters' marriages would give satisfaction, unless it were grounded on some measure of general registration; and he thought it would be much better for the noble Lord to refrain from making any proposition on the subject, until he should be in a situation to bring forward such a comprehensive measure as would settle the Question for ever.

Sir *Robert Inglis* thought he should consult the wishes of the House by not urging any objection to the principle of the Bill in its present stage. At the same time he reserved to himself the right of opposing it at a future period.

Mr. *Pease* expressed a hope that time would be given to allow the public at large to become perfectly acquainted with the nature and effect of the alterations which it was the intention of the present Government to make in the Bill.

Mr. *Potter* was of opinion, that considering the advanced state of the Session, it would be well to allow the present Bill to drop altogether. No Bill would, in his opinion, be satisfactory to the Dissenters on the subject of marriage unless it were connected with a general registration.

Dr. *Lushington* said, that in the course of his professional life he had had occasion to turn his attention to the subject under discussion, and he felt convinced that the preparation of any legislative measure with respect to it must be attended with the greatest possible difficulties, provided due regard was paid to the rights of the Dissenters, without any infringement being at the same time made on the rights of the Established Church. In his humble judgment, the questions of Dissenters' Marriages, of Church-rates, of Tithes, and of Registration, were all intimately connected with the interests both of the Established Church and of the Dissenters, and he felt perfectly satisfied, that in proportion as more comprehensive views were taken on these subjects, the more probable it was, that the House would be able to legislate according to the principles of justice and expediency. The whole of those questions were closely connected with one another; and legislation with respect to any one of them must have a certain effect on the fees of the clergymen. He was, therefore, of opinion that if the Government desired to consider these great questions on true and statesmanlike principles, they must look at their united operation, and regard them as parts of one system; and notwithstanding that there existed, in the opinion of many persons, an urgent necessity for the speedy settlement of the subject under discussion, he thought that full time ought to be given to the Government to take a comprehensive view of the whole Question, in preference to bringing in isolated measures, either with reference to the Dissenters' Marriages, Church-rates, Registration, Church Reform, or Commutation of Tithes. Now, he was clearly of opinion that the Government could do nothing with regard to this subject in the present Session. It appeared to him that some hon. Members opposite were not aware of the immense difficulty of the work of legislation.

Sir *Robert Peel* begged to state to the hon. and learned Member, that during his absence from the House it had been agreed that the second reading of the Bill should be taken merely as a matter of course, with the understanding that the Government should have the future management of it. In allowing the Bill to pass through its present stage, the hon. and learned Member would not be precluded from opposing it, if he so thought fit, on a future occasion. Many Gentlemen had left the House, under the impression that no discussion would take place on the principle of the measure.

Dr. *Lushington* said, that it was not his intention to discuss the principle of the Bill, but merely to express his opinion with respect to the impossibility of legislating on the subject at present, in accordance with a comprehensive and statesmanlike view of the whole Question. With respect to the Bill before the House, he would not, after what had passed, say one word; but considering the advanced period of the Session, he could not help thinking, that though legislation on the subject was necessary, delay was infinitely better than inconsiderate and crude legislation. The hon. and learned Gentleman concluded by observing that though the present Bill might be liable to objections, he felt gratitude to the right hon. Baronet for the admission of the important principle on which it was founded.

Mr. *Wilks* said, that having understood that the House was not to enter into a discussion of the principle of the Bill, he felt greatly surprised at some of the observations of the hon. and learned Gentleman, which almost challenged reply. Still, after the understanding that had been come to, he (Mr. Wilks) should feel it to be very improper to protract the present conversation; but he must take the liberty of saying, that if the hon. and learned Gentleman stood in the same situation as the Dissenters—if he were labouring under the grievances which they had endured for so many years—he would, in all probability, be very reluctant to allow of any delay in the adoption of measures for their removal.

The Bill was read a second time.

The Order of the Day for the House to resolve itself into a Committee of Supply was read.

FOREIGN SECRETARY. — APPOINTMENT OF LORD PALMERSTON.] Lord *Darlington*: I wish to ask the noble Lord, the Secretary of State for the Home Department, whether Lord Palmerston is to be created a Member of the British Peerage, and thereby obtain a seat in the other House of Parliament, or whether any vacancy is likely to occur in this House to enable him to procure a seat here? The public know nothing upon the subject except that Lord Palmerston has been gazetted as Secretary of State for Foreign Affairs, and it is highly important that the fact should be understood. If the noble Lord answer in the negative, I wish to ask him whether it be intended that the noble Lord should continue to hold the situation as Secretary of State for Foreign Affairs. I believe it is perfectly unusual and almost unprecedented for an individual not in Parliament to hold a Cabinet situation.

Lord *John Russell:* The noble Lord has asked me several questions, all of them of rather an extraordinary and novel nature. One is, whether it is the intention of the Crown to confer the dignity of the peerage upon a certain individual; the next, as I should understand it, is whether it is the intention of any Member of this House to vacate his seat for that individual, or, as my right hon. Friend near me suggests, to vacate in that individual's favour by dying himself [*cheers and laughter*]. The question then arises, whether, in that case, any particular body of constituents would be disposed to elect the noble Lord who has been referred to, as their representative in this House, or whether they would choose some other Representative? There then arises a fourth question, or a fifth; whether supposing none of those things to happen, it is intended that Lord Palmerston shall then continue Secretary of State for Foreign Affairs? Really these questions are of so extraordinary and novel a nature, that I can only entreat the noble Lord to bring forward a distinct Motion on the subject.

Lord *Darlington*: Perhaps the noble Lord will allow me to ask him another question. The noble Lord talks of novelty: is it novel, or is it not, for an individual holding the office of Foreign Secretary to have no seat either in this or the other House of Parliament.

Lord *John Russell*: I can only say, that if the state of things of which the noble Lord complains had continued for any length of time, these might be very proper questions; but as the absence of Lord Palmerston is merely a temporary one, I must decline giving any other answer than that I have already returned to the noble Lord.

Here the matter ended.

Canada Commission.] Colonel *Sibthorp* wished to ask the noble Lord whether there was any truth in the report that Colonel Fox, who had so obligingly vacated his Seat for Stroud in favour of the noble Lord, was to be transported or sent out as a Commissioner to Canada?

Lord *John Russell* stated, in reply, that the Government entertained no intention whatever of sending Colonel Fox as a Commissioner to Canada.

The House resolved into a Committee of Supply.

Army Estimates.] On the Motion that a sum not exceeding 118,111*l.* 4*s.* 6*d.* be granted to defray the charge of the general staff officers,

Mr. *Hume* said, he thought the charge for the staff enormous, and wished to know whether it was the intention of the Government to attend to the recommendation of the select Committee on the subject? The Report of that Committee was dated in 1831, and they recommended that the staff of the army should be placed on the same footing as the staff of the navy. It was notorious that in the British Army, certain officers were treated with partiality and favour; and one half of the whole number of general officers had been selected from the officers of the household troops. If the Commander-in-chief of the army was unwilling to alter this system, it became the duty of the House to express their strong disapprobation of it. The question next arose, whether the Commander-in-chief, or the Secretary-at-war, who was responsible to that House, should regulate the amount of the charge for the army. He regretted to say, that for the last four years the Commander-in-chief seemed to have been the master of the Ministers. Until the period when Lord Grey became Minister, it was always understood that the Commander-in-chief should be a person appointed by, and politically attached to, the Administration; but since that time something had taken place which prevented that rule from being acted upon. The consequence was, that the expenses of the army never could be diminished, and all the patronage was disposed of in a manner hostile to the interests of a liberal Ministry. The only excuse the present Government had for not making a change in the department of the Commander-in-Chief was, that they had scarcely been long enough in office to allow of their turning their attention to the matter. It had been admitted by two Secretaries at War, (the right hon. Member for Dundee and the right hon. President of the Board of Control) that the reductions in the staff proposed by the Committee to which he had alluded, might be carried into effect; and he wished to learn from the noble Lord, what opinion he had formed with respect to the recommendations of that Committee.

Lord Viscount *Howick* stated, that there was every disposition on the part of Government to attend to the recommendations of the Committee alluded to by the hon. Member for Middlesex, and especially to that part of it respecting the staff at head quarters, and the consolidation of the different military departments. At that moment, however, they laboured under difficulties, owing to the short time they had taken office; he need hardly say they had not had time to come to a determination on the points alluded to by the hon. Gentleman. They were anxious, if possible, to act upon the principle adopted by his right hon. Friend the Member for Cumberland with regard to the Navy—namely, consolidating the different departments, provided this could be done with advantage to the service. He regretted that the hon. Gentleman had chosen to mix up with his advocacy of consolidation an attack upon Lord Hill, respecting the distribution of the patronage of the Army. He had not had much experience on the subject, but he believed, from all that he had seen, that the charge was not borne out. With respect to any difference that might exist on political subjects between Lord Hill and the present Government, he would only say, that his Majesty's Ministers did not desire, that the patronage of the Army should be made subservient to the support of the Government. They only desired that the patronage of the Army should be distributed in such a way as to promote the good of the service—in the same way, indeed, in which the Navy patronage was distributed under their immediate direction. He hoped and believed that the sole object that those who possessed the patronage of the Army had in view, was to promote the good of the service, and at the same time the strictest economy in the public expenditure.

Sir *Rufane Donkin* felt bound, as a soldier, to bear his testimony to the honest and impartial manner in which Lord Hill had distributed the patronage of the army. He believed that never, for one moment, since that noble Lord had taken office had he given way to private feeling or political bias in his distribution of the army patronage at his disposal. Although opposed in politics to Lord Hill, he felt it his duty to bear his testimony to the impartiality always manifested by the noble Lord.

Mr. *Cobbett* said, that the nation had just right to complain of the enormous number of officers in the army. Taking both full and half-pay, there was an officer to seven men and three-quarters. The people looked to a Reformed Parliament for a reduction of the expenditure, but notwithstanding it had existed two years, nothing had yet been done; and if they did not do so, the people would cease to look to the Parliament for what they chiefly cared for, retrenchment, and as a consequence the removal of the burdens that oppressed them.

Sir *Charles Dalbiac* also vindicated the character of Lord Hill. He was satisfied, from a strict examination of the Estimates, that the consolidation of the Army and Ordnance, as well as the consolidation of the various civil departments of the Army, would not be productive of those advantages and that economy anticipated by the hon. Member for Middlesex. That hon. Gentleman had stated, that if the Church in Ireland was reformed as he recommended, the Army in Ireland could be so reduced as to effect a saving to the amount of one million annually; and yet the whole charge of the Army in Ireland, including the staff, did not exceed 840,000*l.* a-year.

Mr. *Hume* said, that it had been objected to his statement as to the extent to which economy was practicable, that the cost of the Army in Ireland was only 840,000*l.*; but it should be borne in mind that this sum was the amount of the mere pay of the men. What, he would ask, became of the expenses of the artillery, commissariat, and other departments?

Colonel *Sibthorp* said, the hon. Member for Middlesex might send forth his venom if he pleased; this he knew, that it would not affect him. The hon. Member first said he had nothing to charge against the noble Lord at the head of the Army, and then, with a peculiar inconsistency, he alleged against the noble Lord that his conduct was marked by partiality. He believed the noble Lord to be incapable of the conduct imputed to him, but when the hon. Member for Middlesex made that charge, he was cheered by the other side of the House. [*Cheers.*] Oh yes, they must cheer him—"*similis simili gaudet,*"—birds of a feather—all fowls of the same plumage. What could the hon. Member know of the Army? He had been but a short time in India, and then only in a medical capacity. He thanked God that they were not obliged to swallow any of the hon. Member's physic.

Mr. *Hume* had just one remark to make. It was gratifying to him to think that there was one dose the hon. and gallant Member and his Friends had swallowed, which was the "Russell purge," and it had been he was happy to say, very effectual.

Sir *Robert Inglis* said, the hon. Member for Middlesex had not stated a single instance of the partiality he had charged. Those who supported the hon. Member with their cheers, should support him with some statements of fact.

Mr. *Finn* said, Ministers ought not to allow their political powers to be in abeyance; such had not been the course of the Duke of Wellington. They had the Church, the Army, and the Corporations, arrayed against them; but having the people with them, they would nevertheless maintain a fair position, if they gave power only to those by whom they were supported.

Mr. *Cobbett*: The hon. Member argued that because Ministers had the people with them, they would carry all before them: but they had not the people with them; and he trusted they never would have, till they did something to relieve the people. The people expected that some of the taxes which oppressed them should be taken off; they would not allow themselves to be led away by mere professions. For his part, he saw little difference between the Whigs and the Tories. The people would never be satisfied till they ceased to play into one another's hands—till they dissolved partnership.

Mr. *Feargus O'Connor* must declare, in reply to what had just been stated, that it would give his constituents great regret to see the Gentlemen who now occupied the Ministerial benches displaced by a Tory Government. He would not, in their support, go quite the length of voting that black was white, though perhaps he would do so in the sense that was meant by the hon. Member for Middlesex when he made that declaration; but he certainly would consent to receive even less from the present than he would be contented with from a Tory Government, because he knew the difficulties they had to encounter, and that they would, at least, put an end to that domestic cruelty which had for years been practised in Ireland.

Lord *Howick* observed, there was an old saying, that none were so deaf as those who would not hear: and applying this to the hon. Member for Oldham, he must declare that he despaired of producing any effect on that hon. Gentleman. As regarded the mere reduction of the burdens of the people, suppose the Whigs had done nothing else during the four years they were in power, had they been quite as unsuccessful as the hon. Member would represent? Had the hon. Member for Oldham forgotten, that during the period he had referred to, the taxes reduced amounted to nearly 5,000,000*l.*? The whole of the vote required for the Army was under 6,500,000*l.*; therefore in the course of the four years, nearly the whole of that charge was saved to the country. The votes for the Army alone were, previous to the year 1830, never less than 7,300,000*l.*, and frequendly more; at present the sum demanded was 6,490,000*l.*

Mr. *Ruthven* said, the Government had shown a disposition to do good, and he hoped they would have nerve enough to proceed as they had commenced.

Dr. *Bowring* recommended a more systematic arrangement of the Estimates, so that hon. Members might make themselves masters of the subject, and follow the discussions with greater facility.

Captain *Parry* recommended, that officers on half-pay should be allowed the option of the first vacancies that occurred, which would enable them to obtain full pay.

The vote was agreed to.

Upon the vote of 106,000*l.* being proposed for the pay of general officers in his Majesty's forces,

Lord *Howick* remarked, that it was his intention to propose, in accordance with the wish expressed by the Committee who sat on this subject, that general officers not having a regiment, should be allowed the pay of 400*l.* per annum each. This charge was not included in the present estimate; but he intended to introduce it in a supplementary estimate, to which, he was sure, the House would readily assent.

Vote agreed to. Various other sums were voted, and the House adjourned.

HOUSE OF LORDS,

Monday, May 25, 1835.

MINUTES.] Petitions presented. By the Duke of BUCCLEUGH, from the Agriculturists of Wellingborough, for Relief.—By the Earls of WILTON, RODEN, and HARROWBY, from Lancaster, Aberdeen, and Hanbury, for Protection to the Protestant Church of Ireland.—By the Duke of SUTHERLAND, from the Synod of Ross, against the Grant to Maynooth College.—By Earl HOWE and the Bishop of LICHFIELD, from three Places,—for the Better Observance of the Sabbath.—By the Dukes of GORDON and SUTHERLAND, and the Earls of ROSSLYN and CAWDOR, from several Places,—in favour of,—and by Lord BROUGHAM and the Earl of ROSEBERY, against—any Grant of Money for Building Churches in Scotland.

CRIMINAL OFFENCES.] The Marquess of *Lansdowne* laid on the Table the several returns relating to criminal offences in England and Wales; and, seeing the noble Earl (Malmsbury) who had put a question to him, relating to the propriety of having similar returns with respect to Scotland

and Ireland, he begged to say, that he felt the propriety of having such returns quite as fully as did the noble Earl; that he made inquiries on the subject, in order to ascertain whether it would be practicable to obtain such returns from Ireland and Scotland, and he found, as the noble Earl would find, on looking over those now laid on the Table, that they were of so complicated a nature that it was not likely that they could readily be obtained from those parts of the empire, as means had not been adopted to furnish the materials.

PRISON DISCIPLINE.] The Duke of *Richmond* said, as he found that the evidence taken before the Select Committee, on the subject of Prison Discipline had not been delivered to their Lordships till that morning, he should postpone for a few days the consideration of the subject of which he had given notice. But he should take this opportunity of saying that he was most anxious to make a proposal to his noble Friend at the head of the Government, which, if acceded to, would be of great advantage to the country at large, and would be most satisfactory to all those who had directed their attention to this subject. Every one was now ready to admit, that the Gaol Act required amendment, and he believed that their Lordships agreed with him that that task would be best undertaken by the Government. The Government had greater facility than any Member of the House, and his proposal, therefore, was, that the Government should, without loss of time, introduce a Bill for the amendment of the 4th Geo. 4th, c. 64, commonly called the Gaol Act; that that Bill should enact one uniform system of prison discipline, for every gaol and house of correction in the kingdom; that the rules of the gaols, which had heretofore been submitted to the Judges of Assize, should in future be submitted to the Secretary of State for the Home Department; and that there should be an authorized person appointed inspector of prisons. He should then propose to refer that Bill to the select Committee on Prison Discipline, which Committee, from the attention its Members had already bestowed on the inquiry, and from their having visited most of the prisons, would be the best judges of the amendments that would be required in it. The motive which had induced him to recommend humbly, though strenuously, this course was, that he felt it to be almost impossible for any person, whatever might have been his career in life, to be imprisoned, under the present state of our prisons, without injury to his morals. The Committee of the House of Commons in 1831-2, had acknowledged the existence of these evils, and had recommended that measures should be forthwith adopted on the subject. He trusted, therefore, that his noble Friend (Lord Melbourne) would accede to his proposition. He was sure that that was the best course, and the right one; and that if such a measure were carried, it would remove one of the abuses and grievances which, in his opinion, they could not, consistently with their duty, allow another session to pass over without endeavouring to remove. The course he proposed would enable the Parliament to legislate this Session upon the subject, and to get rid of an evil which he considered a positive disgrace to the country.

Viscount *Melbourne* said, that although he had not read the evidence which had that day been circulated among the Members of their Lordships' House, yet from all the knowledge and experience he had on the subject, he so entirely concurred in the recommendations of the Committee on the grounds stated by the noble Duke, and so strongly did he feel with him that there should be some effort made without further delay to change the present system, that he had no hesitation to pledge himself, on the part of the Government, to promise their Lordships that he would lay on the Table, a Bill in accordance with the Resolutions of the Committee. The subject was one of some difficulty, but the Bill should be presented as soon as the materials could be digested and prepared.

THE DUBLIN PROCESSION.] The Earl of Shaftesbury moved, that the House do adjourn.

The Earl of *Roden* said, that before their Lordships adjourned, he wished to put a question to the noble Viscount opposite. He thought that it would be wrong to put such a question as had been put the other night, without following it up. He should follow it up, and therefore he asked the noble Viscount if the noble Viscount was prepared to lay on the Table, a copy of the Dispatch which he had received on the subject of the procession into Dublin, from the noble Earl the Lord Lieutenant of Ireland ?

Viscount *Melbourne* said, that he had not heard any ground laid that would justify the production of this dispatch. He believed that its production would be injurious to the public service, and to the welfare of the country, and therefore he should decline to produce it.

The Earl of *Roden* should only add, with respect to what he had stated the other night, that noble Lords must be convinced that his statement was correct, as he offered then, and he offered now to call to their Lordships bar gentlemen who had been present, who were present, and who saw in the procession the emblems of sedition and green flags, bearing on them inscriptions which no noble Lord would say were not seditious. It was not necessary for him now to enter into a description of what those flags were; but as there were some noble Lords now present, who were not present the other night, he should inform them what he had then stated—namely, that among the flags there was the harp without the crown, and there was the cap of liberty, and there were flags of a green colour, which was known to be a party colour in Ireland, the colour of that party which was ever opposed to the connection with England, and ever most anxious to overturn the Protestant Establishment in that country. He had felt it his duty not to let the matter rest as it stood. He had stated the facts, and he desired to prove them—not that he wished that the persons who had been guilty of exhibiting these flags should be punished, but that he put in a claimer on behalf of the Protestants of Ireland, that should they, in their zeal and loyalty, and desire to support the Constitution of the country, as was their habit, and as in former days they had been encouraged to do, in support of those principles which were known as Orange principles—a claimer that, if they should exhibit their banners, with emblems of loyalty on them, they should not be prosecuted by the law which had been restrained and kept back from those who had taken part in this procession. He believed that never had been a similar procession to that which had accompanied the present Lord Lieutenant's entry into Dublin. It had produced a most painful effect on the minds of all loyal men, and a degree of irritation which it would be very difficult to allay. He believed that there never had been such a procession graced with the presence of the Attorney and Solicitor-General, and he did not see how it could be passed over without notice.

The Earl of *Leitrim* said, that he had formed part of the procession, and was enabled to say, that the noble Lord opposite was much mistaken as to the character of the banners displayed there. The procession was most perfectly orderly, and he saw nothing but what appeared to him the mere emblems of the trades to which the individuals belonged. He did hear, after the procession was over, that there had been one solitary banner on which was inscribed "Repeal of the Union." That might be inexpedient, but he was not aware that it was illegal; at all events whether it were or not, it was not right to give a character to a whole body of men from the conduct of one individual among them. The true cause of the great enthusiasm with which the Earl of Mulgrave was received was to be found, not in the party motives usually attributed to it, but in a circumstance which more nearly touched all the citizens of Dublin. The great majority of those citizens were Roman Catholic. By the law they were admissible to offices; but though they contributed most largely to the support of the Corporation, not one of that majority had been admitted to corporate offices.—There certainly was much enthusiasm in the way in which the Earl of Mulgrave was received, but there was nothing that was contrary to the most perfect order and propriety in that reception; and the enthusiasm, as he had already said, was to be accounted for very much from the belief that under the present Administration a Bill would be introduced for the reform of Corporations, and among others, of the Corporation of Dublin. It was the belief that the noble Earl represented a Government which would reform the Corporation abuses that made the people of Dublin so enthusiastic in his reception. Of the sort of spirit which Corporation privileges engendered in Dublin, and of the way in which they were exercised to the annoyance of those who did not enjoy them, he would mention one anecdote. A tradesman, who was not a freeman, expressed to a person who was a freeman of the city his opinions on a certain matter with considerable freedom and received this answer:—"How dare you speak in that manner to me?—you, who are not a freeman, and I am!" It was owing to the fear that Corporation abuses would be reformed, that all the clamour might be attributed that had been raised about this much-calumniated and misrepresented procession. It was raised by that party who dreaded in Dublin and elsewhere the reform of those abuses.

The Marquess of *Londonderry* said, that what had fallen from the noble Earl opposite made it necessary that they should have accurate information on the subject. The noble Earl had contradicted what had been stated, but he had not offered to prove his assertions at the bar of the House, as his noble Friend the Earl of Roden had done when he said that there was a Member of the House of Commons ready at their bar to prove what he had stated. He therefore said that the Government was called on to produce the Lord-lieutenant's letter, or to give them some ground to believe that the procession was not what it was represented to be, or to say whether the procession was legal.

The Earl of *Wicklow* said, that if the noble Earl opposite had stated himself to have been a spectator of the procession, he should have placed implicit faith in the noble Earl's representation, but the noble Earl merely said, that he formed part of the procession, Now they all knew that those who formed part of a procession least of all knew what it was. He had formed part of that immense procession which went out to meet George the Fourth, and he saw no more than the inside of his own carriage and the back of the hammercloth. Those who sat and watched it were better able to judge about it. His noble Friend had offered to produce the evidence of competent witnesses upon oath as to what they had seen, namely, not one, but one hundred revolutionary banners. However, sufficient had fallen from the noble Earl to show that this was purely a Roman Catholic assembly. [The Earl of *Leitrim* "No, no!"] Unless the noble Earl meant that, it was difficult to understand why he had gone into the subject at all, and it was impossible to understand the explanation in any other sense. The noble Earl said, that it was a procession of those who, being Roman Catholics, were aggrieved by being kept out of the Corporation. If so, that contradicted the statement of those who wanted to make it out that it was not a party procession, but the spontaneous effusion of a loyal feeling among the people of Dublin towards the representative of their king. As the noble Viscount refused to produce the papers asked for, he should not press that proposal further, for the noble Viscount, as Minister, ought to be the best judge whether papers ought to be produced or not. But as things now stood, there was an offer on one side to produce evidence and none on the other.

The Earl of *Leitrim* had not stated that the procession was Roman Catholic, but that the citizens of Dublin, as citizens of Dublin, all looked with anxiety for a Bill for the reform of Corporation abuses—that, of course, the Catholics, as comprising the majority of the citizens, felt most peculiarly anxious about it—but both the Catholic and Protestant citizens of Dublin joined in looking forward with anxiety to that Bill, and on that account heartily welcomed the noble Earl whom they believed to be the representative of a Government that would grant it to them.

Viscount *Melbourne* said, that undoubtedly his opinion was, that the paper referred to should not be produced, and he believed, that this discussion of the subject only tended unnecessarily to prolong agitation upon it. He felt for himself the greatest satisfaction at being relieved by the form of the question from entering upon the subject. The question before the House was the question of adjournment, and that did not necessarily call on him to enter on the topics now introduced. If a distinct motion were made for the production of the dispatch, or for an inquiry into the subject, he should then state the circumstances on which he conceived himself justified in resisting it. He should not conceal, that he was anxious to avoid discussion on the subject, not for himself, not for the Government or any one connected with it; but for the reason he had first stated, namely, that such a discussion could not be productive of any satisfactory results, but must embitter old animosities and tend to create fresh discord. He should therefore content himself with entering his protest against the doctrine stated by the noble Earl opposite (Earl of Roden), that because no notice had been taken on the present occasion of the procession, that therefore the law relating to party processions was to be a dead letter, and was not to be enforced against those who, in other parts of the country, should actually violate it. He protested against such a doctrine. The law should not be violated with impunity. He believed that full notice had always been given, full warning not to violate the law in the way alluded to by the noble Earl; and he now said, that so long as the present Ministers had anything to do with the Government of the country, they would continue to enforce the law in the same spirit, but with the same firmness as heretofore.

The Question of Adjournment was then carried.

HOUSE OF COMMONS,

Monday, May 25, 1835.

MINUTES.] Bills. Read a second time:—Foreign Enlistment.

Petitions presented. By Lord JAMES STUART, from Irvine, for a Board of Trade, against the Seamen's Enlistment Bill, and also for the Repeal of the Reciprocity of Duties' Act; from several Places, for Protection to the Church of Scotland; from Irvine, and two other Places, against any Grant for Building Churches in Scotland.

CHURCH RATES.—MR. CHILD'S CASE.] Sir *W. Foulkes* presented Petitions from Lynn, Wells, and other places, complaining of the conduct observed towards Mr. Child, of Bungay, by the Ecclesiastical Court, on the subject of demand for Church-rates. He considered the case to be a very hard one—though he believed that Mr. Child had voluntarily submitted.

Mr. *Hume* presented similar petitions from Needham, Diss, and Bungay; they also praying for an alteration of the laws on this subject, and under which Mr. Child had been proceeded against. The last petition was from Bungay, the place of Mr. Child's residence. In that place there were 910 householders. He believed that there were not above 30 householders who had not signed this petition.

Lord *Henniker* said, that he rose for the purpose, not of making any observations on Church-rates, but in order to vindicate the character of two individuals, namely, the Churchwardens of Bungay, who had been unfairly dealt with, respecting this affair. When he made his statement he was sure that it would appear to the House that the Churchwardens of Bungay were guilty of no harshness towards Mr. Child, and all that they had done was justified by the letter of the law. In saying this, he meant no offence towards Mr. Child, or towards any Gentleman, who, from conscientious motives, should think fit to demur to the payment of Church-rates. He agreed with the hon. Member for West Norfolk as to the good character and respectability of Mr. Child. With the permission of the House, he would then enter on the statement which he had received touching the allegations of the petitions. Until the year 1833 no opposition was made at Bungay to the payment of Church-rates. At that time a payment of Church-rates was objected to by one or two Gentlemen, one of whom was a relation of Mr. Child. Their goods were distrained, but they were brought up and returned to them under circumstances of considerable excitement in the town of Bungay. He was aware that his statement would be denied by Gentlemen who took the opposite side of the Question; such denial, however, would not make it the less true. In 1834, another Church-rate was made; there was no objection made at the time of making it, except as to the period of its being levied. The reasons why the Churchwardens thought proper to take the case to be decided by the Diocesan Court of Norwich were the following:—One of the Magistrates of Bungay was a clergyman, and they desired, to prevent the recurrence of the excitement which prevailed in 1833 in consequence of goods being distrained for Church-rates. The Churchwardens also deemed the Consistory Court of Norwich the best place to have the Question decided, and that its being decided there would finally settle the Question Mr. Child had raised. The Churchwardens had given Mr. Child many opportunities of paying the rates in Question, without subjecting him to any costs. The other Gentlemen, when called upon, consented to pay their rates, but Mr. Child alone, after many solicitations, refused to pay his rates; and, besides, he said that he would hold no further communication on the subject with the Churchwardens of Bungay. The consequence of his repeated refusals was, that a citation from the Ecclesiastical Court was issued to him, yet even after this proceeding one or two opportunities were given to Mr. Child to enable him to pay the rates without subjecting him to costs. He still refused, and the proceedings before the Ecclesiastical Court were carried on, the necessity for which no one more than he regretted. He was glad to congratulate the hon.

Member for Middlesex on the fact of his having learned that morning that Mr. Child had been released from confinement. He repeated, that no one more than he regretted what had occurred to Mr. Child, and he felt confident that the facts which he had now stated would be borne out by the returns moved for, relative to this affair, by an hon. Member opposite.

Mr. *Hume* was happy to hear from the noble Lord a full admission of the respectability of Mr. Child, an admission, however, which was totally unnecessary for those who knew as he did, that Mr. Child had resided in Bungay for the last thirty years, and that he kept forty individuals in constant employment. It was important, however, that the House should look, not so much to the character of the individual as to the operation of the law of which that individual complained. In the petition of Mr. Child, which had just been placed on the Table of the House, he prayed that the House would alter the law respecting Church-rates. Now, let the House see what the circumstances were which had induced him to come to that conclusion. Mr. Child is a Dissenter. He was rated to the Church-rates, and having conscientious scruples, which induced him to think that he ought not to contribute to the support of a Church in whose doctrines he did not and could not believe, he had refused to pay his quota of those rates. Such was the course regularly pursued by every Quaker in the country. What, then, was the course adopted towards Mr. Child? When Mr. Child refused to pay the 17*s.* 6*d.* which was charged against him as his share of the rates, some of his friends, and among them he (Mr. Hume) believed were the Churchwardens, of whom Mr. Child did not complain as men, but as the public functionaries of an oppressive law, offered to pay the money for him, but Mr. Child would not consent to any such sacrifice of principle. He refused to pay at all, and said, "I do not oppose your seizing my goods—seize them, and sell them if you like." The clergyman had also written a letter to Mr. Child, in which he asked, "Do you dispute the validity of the rate?" and the answer of Mr. Child was, "I do not dispute its validity." By so doing Mr. Child admitted the validity of the claim, and left the officers of the Church to do their duty. What then was it that Mr. Child, and that he in Mr. Child's name, complained of? He would briefly inform the House. The 53rd of George 4th, chap. 127, was passed for the purpose of giving the Churchwardens an easy mode of getting in the Church-rates, and in all cases where parties refused to pay an assessment of less than 10*l.*, it gave power to two Magistrates to issue, under their hands, a warrant of distress against the goods and chattels of the parties so refusing. He had no pretensions to be a learned personage—he spoke as one of the unlearned; but to him it appeared that, although the right of bringing parties into the Ecclesiastical Courts for an amount of Church-rates less than 10*l.* was not taken away by that Statute in express words, it was evidently intended to repeal that right, except in cases where the sum to be recovered was above 10*l.*, by giving this summary process before two Magistrates, against the goods where the sum to be recovered was under 10*l.* With a full knowledge of the powers given to them by the 53rd George 4th, the Churchwardens cited Mr. Child to appear before the Consistorial Court of Norwich. What then said Mr. Child? "I have refused to pay you this money, because it goes to the support of a Church in which I do not believe. I must also refuse obedience to your Ecclesiastical jurisdiction, because it proceeds from the same Church." Well—this language was called a contempt of court—and for acting upon it Mr. Child was lodged in Ipswich gaol; and there he might have lain till the end of the present year, and indeed till the end of ten years to come, had not some person purged the contempt for him by entering an appearance to the citation. Mr. Child said, and he said so too,—that it was an act of oppression on the part of the parish authorities to have adopted this mode of getting their money, when they could have got it by a much easier process pointed out by the Statute. It was a stretch of authority tyrannical in its kind, and likely to bring the Church itself into disrepute. What, he would ask, had brought the Irish Church into disrepute save its tyrannical exercise of power in the collection of tithes? A vexatious levy of any impost contrary to the common feelings of the country must of necessity be followed by such a result. The hon. Member then proceeded to mention, that in a recent discussion upon

Church-rates, a Minister of the Crown in his place in Parliament had said, that they were unwarrantable, and ought not to be levied. Now, he had a minute of the proceedings at the last vestry held in this parish, and from that minute he found, that many of the expenses for which this Church-rate was to be levied were expenses which, according to the declaration of Lord Althorp, ought not to be levied under the shape of Church-rates. He contended, that the time and mode of levying this Church-rate from Mr. Child were equally ill-chosen, and therefore he designated the whole of the proceedings against that individual as a series of oppressions. The noble Lord had stated an excuse for the Churchwardens, which had appeared already in one of the country newspapers. In the *Ipswich Journal* it was said, that "recourse had been had to the Ecclesiastical Court at Norwich, because the Churchwardens had not been able to recover the Church-rates from another individual in the preceding year, under the 53rd of George 4th." Now, he had from that very individual, Mr. John Morris, a letter, of which he would read a short extract to the House:—"Having seen a paragraph in the *Ipswich Journal*, in which it is stated, that a process in the Ecclesiastical Court was instituted against Mr. Child, because a process under the Statute could not be carried into effect last year in my own person, I have only to say, that a more infamous falsehood cannot be propagated. So far was there from being any tumult when the Churchwardens sold my property in 1833, under a distress warrant, that I entertained doubts whether the whole measure was not illegal from the clandestine nature of the sale. I published a handbill at the time, stating the mode in which the sale was conducted." In another part of the same letter the writer said—"Great excitement existed afterwards because the goods, which by law ought to have been sold publicly, had been sold clandestinely." Now, supposing, that there had been excitement occasioned by that transaction, still that excitement was no excuse for this oppressive and tyrannical mode of proceeding against Mr. Child. To show that the Churchwardens had no grounds for charging Mr. hild with any intention of resisting the Church-rate, he read a letter which that individual had written to the Churchwardens, informing them that he should make no resistance to it; that they might take his goods and sell them, and that out of the proceeds of the sale, they could pay the rate. He again denounced the conduct of the authorities towards Mr. Child as most vexatious. He hoped that he should have the pleasure of hearing from the noble Lord opposite, or from some of his colleagues, that they were prepared to bring forward some measure which would prevent such insults as these from being again inflicted on any respectable householder like Mr. Child. If the partisans of the Established Church wished for its maintenance in a state of utility for their own purposes, they must put a stop to all such abuses of authority as this. It was impossible that the people of England should long continue to pay Church-rates, now that they saw all such rates abolished in Ireland.

Mr. *Fitzroy Kelly* said, that if the petitioners had contented themselves with stating facts in their petitions, or if they had confined themselves to animadversions on the state of the law to which their petitions referred, he should not have felt it necessary to trouble the House with any observations on this occasion. He concurred with all the hon. Gentlemen who had stated, that the Church-rates formed a subject which required the early and deep consideration of Parliament. That was not, however, the question, at that moment. The Question was, whether this Petition, stating such facts as it did, and coming to such a conclusion as it did, ought to be laid on the Table of the House. He hoped that the House would not allow petitions to be made a channel for base, cowardly, and malignant calumnies against private individuals. To prove that he was not using language unsuitable to the occasion, he would call the attention of the House to the few but strong words with which the petition concluded:—"Your petitioners, therefore, pray your hon. House to pass some measure for the immediate abolition of the barbarous and anomalous powers of the Ecclesiastical Courts." [*Cheers.*] He heard those cheers without regret, for he complained of no man who confined his complaints to the existing state of the law: but the petition went on —"powers inconsistent with all the principles of the British law, and capable of being employed, as in this instance, to indulge feelings of private malice, and to gratify the rancour of religious intolerance." Now, he asked the House, whether a petition containing such language—a petition charging some members of the Church of England with converting the law into an engine for gratifying the rancour of religious animosity, ought to be received by that House? When the facts connected with this case were stated to the House, and he hoped that he should be able to state them very briefly, it would be found at least, that it was a gross abuse of the power of petitioning to charge any individual with rancour. The reverend individual against whom this petition was presented conferred honour upon the order to which he belonged. That assertion rested not on his unsupported authority, but on the universal testimony of all who knew him; and when he mentioned the name of Archdeacon Glover, he was sure that no man would dispute his piety, his humanity, or his amiability of temper. In the year 1833, certain Church-rates were to be collected in the parish of Bungay. All the inhabitants of the parish who were liable to the rates paid them, with the exception of two. Those two persons having refused to pay them—having assigned no satisfactory reason for not paying them—having been applied to for the reasons why they refused to pay them—having refused on that application to assign any reasons—having been asked whether they wanted any indulgence as to time from the parish on the score of poverty, or on any other ground—and having still declined all reply, a complaint was made against them before two Magistrates, and a warrant of distraint was issued against their goods and chattels. Without making any complaint of poverty, they allowed their goods to be seized under the Act. They were seized, and notwithstanding what had been stated that evening, a tumult took place in the town upon the seizure. He had this fact upon the authority of the three individuals, two of whom he knew personally, and all of whom were known to several Members of that House. The hon. Member for Middlesex, who could hardly deny the tumult, ascribed it, not to the circumstance of the goods being seized, but to the fact of their having been sold privately instead of publicly. Now there was nothing in the Statute which required the goods to be publicly sold; and he affirmed as a lawyer, and he appealed to those Members of the profession whom he saw around him in the House, whether, when they heard of proceedings in the courts of law respecting the vexatious sale of goods, the publicity of the sale was not generally charged against the parties as a proof of their cruelty and oppression, and of their wish to expose the distressed circumstances of the parties to the knowledge of their neighbours. He felt assured that it would turn out that some false colouring had been given to the statement which the hon. Member for Middlesex had that evening laid before the House, for if the goods were not sold legally, or if they were sold privately, when they ought to have been sold publicly, he was sure that some measures would have been taken to obtain public redress for that illegality. He repeated, that he had it upon excellent authority, that these proceedings had occasioned a tumult in Bungay. Ultimately, the goods were either sold or restored; he had been told, they were restored. This year the Church-rates were again to be collected. All the inhabitants of the parish paid them without a murmur, except three individuals; two of them were the recusants of the former year, and the third was the present petitioner, Mr. Child. On their refusing to pay these Church-rates, applications were made to them requesting them to obey the law, or to state the reasons why they would not. An intimation was also made to them, that if they could not pay them from poverty, indulgence would be afforded them in point of time. The two individuals against whom proceedings had been taken last year, paid their rates without complaining. Mr. Child alone refused to pay. He is a printer, in a respectable way of business; but he chose to disobey and defy the law, assigning no reason, and complaining of no want of indulgence. What course was then open to the Churchwardens to adopt? It was said, that there were two modes of recovering these rates—the one by process issued by the Ecclesiastical Courts, and the other by the Statute to which the hon. Member for Middlesex had referred. Now, if it were to be said, that the Statute repealed the authority of the Ecclesiastical Courts in all cases under 10*l.*, then were all the proceedings against Mr. Child void, and he had his remedy at law. If it should appear that this was a doubtful Question on the construction of the Act, and that the Churchwardens had taken a wrong course, they had exposed themselves to an action at law at the suit of Mr. Child, in which full damages for any wrong he had sustained, could be recovered against them. If so, that House was not a fitting place to discuss a question which could be better discussed in a Court of Law. The House, he was sure, would not prejudge the question, whether it were a question of construction as to the law, or a question of fact as to the damages. With regard to the motives of the parties who had originated these proceedings, the question was very different. They were obliged by law to collect the rates, and they could only do so by seizing, distraining, and selling the recusant's goods under the Statute—a measure which had created so much tumult last year, or by instituting a process in the Ecclesiastical Courts. Believing both these remedies to be open to them, they had resorted to the Ecclesiastical Court, and they had done so from a fear lest they should have the recurrence of riot similar to that which had taken place last year, or even proceedings of a more violent nature. Being connected, then, with a religion of peace, they had recourse to the Ecclesiastical Courts. There was also a stronger reason for their doing so. As long as the law imposed Church-rates, it was better that all personal interference by ministers of the Church for their payment should be avoided. Now, in the Bungay district there were only two Magistrates, and a warrant of distraint against the goods and chattels of any person for the non-payment of Church-rates, required the signature of two Magistrates. Of the two Magistrates residing in the Bungay district, one was a clergyman of the Church of England; and it was thought prudent not only by the two Churchwardens, but also by Archdeacon Glover, who was acquainted with the whole course of these proceedings, that if the law were resorted to, it should be resorted to without any interference on the part of any member of the Church. The remedy by Statute could not, as he had now shown, be enforced at Bungay without the interference of a clergyman, and therefore application was made to the Ecclesiastical Court. There was also another reason. They knew that if this question were to be decided before two Magistrates residing in the neighbourhood, they would be open to the charge of having called in Magistrates of their own to decide a question in which they took an interest as parties, whereas, if it were sent to the Ecclesiastical Court at a distance, it would be known that they had sent it to the decision of a party to whom they were perfect strangers. When the case was once in the Ecclesiastical Courts they had no choice, but must needs adopt the course which they had done, and arrest the person of the individual, who had been guilty of contempt. The writ on which he was captured, was endorsed "No bail;" but that was only a caution to the officer, that he was not entitled to take bail. The hon. Member for Middlesex had charged the Churchwardens with cruelty and oppression. Now, the Churchwardens did not deserve such a character. They had a public duty to perform, and they would have neglected that duty if they had not exacted the dues to which they were entitled by law. They had repeatedly made friendly applications to Mr. Child to do what he could to obey the law: but he stood on what he deemed conscientious scruples, and refused all compliance with their requests. Had he then a right, when every indulgence had been shown him, to come to that House and complain not only of the state of the law, but also of the conduct of individuals? He had only one fact more with which to trouble the House—and that was, that when the costs amounted to treble the sum to be raised, an offer was made to Mr. Child, that if he would pay the original sum of 17*s*. 6*d*., the clergyman of the parish would pay the costs. If an individual was determined to place himself above the law, the question which the House had to decide, when he came before it for redress of grievances, which he brought down by such conduct on his own head, was whether they would aid him in putting the law under his feet? He had only to state in conclusion, that he felt it due to the character of the individuals in question, who were most respectable persons, to vindicate their conduct, which he trusted he had done sufficiently by laying the plain facts of the case before the House.

Lord *John Russell* was willing to believe from all he had heard, and from the account which had been transmitted to him, under the hands of the Churchwardens, and by the Archdeacon of Bungay, whose name was, unquestionably, entitled to that respect which the hon. and learned Gentleman had ascribed to it —he was inclined, he said, to believe, from that account, that the irritation which had been produced by this case—that the hardship which had been suffered by Mr. Child—that the oppression which, in the eyes not only of Mr. Child, but of the great body of the Dissenters, and, he might say, of a great portion of the people of this country, had been exercised in this case—was not intended by the Churchwardens, and the other parochial authorities of Bungay. The statement made on their behalf was, that during the last year some individuals in the parish of Bungay had refused to pay a certain rate, upon which their goods were distrained, but had been afterwards restored to them under circumstances of considerable tumult and excitement. In consequence of this occurrence the Churchwardens thought it better to adopt another course in enforcing the rate, by which means a recurrence of the same scenes of disturbance might be avoided, and they therefore took the case of Mr. Child to another court, and before a jurisdiction different from that of the Magistrates in the neighbourhood of Bungay. The motives which operated on the minds of the Churchwardens, and induced them to act thus, were apparent; but he thought their decision most unfortunate, and could not consider them as being justified in taking the course they had adopted on this occasion. By the adoption of this course they were obliged to imprison the person of Mr. Child, a man of the highest respectability, who acted on conscientious motives in refusing to pay the rate; and this imprisonment could not fail to excite sympathy and indignation in the minds of a great body of persons: whereas if the Churchwardens had proceeded against the party's goods, as was generally done in the case of Quakers, they might have distrained for the recovery of the Church-rate, and the greater part, if not the whole, of the irritation would probably have been avoided. But there was another reason why the Churchwardens should not have proceeded in the manner they had adopted. He was inclined to believe, looking at the meaning of the act of the 53rd of George 3rd., that the Legislature intended that in claims for sums under 10*l.* a remedy should not be sought in the Ecclesiastical Courts. A proviso in the act referred to by the hon. Member for Middlesex showed that such was the intention. The proviso was this—Provided always that nothing herein contained shall be construed to alter or abolish the jurisdiction of the Ecclesiastical Courts to hear and determine causes with respect to church-rates, and proceeding to enforce payment for the same in cases in which the sums due exceed the sum of 10*l.* It was clear from this proviso that if the rate did not exceed 10*l.* the Ecclesiastical Court was debarred from interfering. Such being the case, he thought that the Churchwardens had much better have adopted the remedy which they resorted to last year, and that they ought not to have proceeded to the imprisonment of the person of Mr. Child. But if any doubt existed as to whether or not it was now in conformity with the law that claims for sums not exceeding 10*l.* should not be carried into the Ecclesiastical Court, the Legislature would do well to settle the point and explicitly declare what was to be the practice in future. Having said so much in reference to the case of Mr. Child, he wished to add a word in consequence of what had fallen from the hon. Member for Middlesex, who had expressed a hope that Ministers were prepared to undertake a speedy settlement of the Question of Church-rates. After what was stated by his noble Friend (Earl Spencer) in the House of Commons last year, in bringing in the Church-rate Bill, and after the settled resolution of Earl Grey's Government upon this Question, he did not feel the slightest hesitation in declaring that he thought it most desirable the Question should be settled and Church-rates abolished. But there was a difference of opinion between the Ministers and many of those who called for the abolition of the rates in consequence of the principle laid down by his noble Friend (Earl Spencer). That principle was, that "while the Dissenters had a right to call upon the Legislature not to require them to pay money for a Church which was contrary to their principles, the Members of the Establishment had a right also to say that their interests should receive all due attention, and that their principles should be respected. One of these principles certainly was, one of the consequences of having an established Church was, that means should be provided by the Legislature for the support of the fabric of the Church." Some of the advocates of the abolition of the rate objected to this principle, but he (Lord John Russell) was decidedly of the opinion declared by his noble Friend on that occasion. He thought it the duty of a Legislature wishing to maintain an established Church to provide that the Churches of the Establishment should be kept in proper repair; therefore any measure to which he might be a party he did not hesitate to state should provide for the accomplishment of that object. This was his opinion when his noble Friend brought the subject of Church-rates before the House last year; it was also his opinion at present. In this state of the Question it was important to consider the subject most deliberately, and with the utmost caution, and it was therefore necessary to have before them all the facts likely to come before Parliament and the public, not only through the labours of the Church Commission, appointed by Earl Grey's Government, but by means of the Ecclesiastical Commission nominated by the right hon. Gentleman opposite, which he hoped to see renewed. With respect to bringing forward the Question of Church-rates in the present session, Ministers had resolved to undertake to propose to Parliament during this session a question of great magnitude, importance, extent, and detail, with respect to the Municipal Corporations of England and Wales. They had also resolved to bring forward in no long time a measure not only regulating the question of tithes in Ireland, but calculated to carry into effect the resolution which he had the honour to move with respect to the application of the surplus funds of the Established Church in that country. If he had gained anything by the experience of the last three years, in which he had been a Member of the Government, it was a knowledge of the impropriety of undertaking too much at one time. The Cabinet of Earl Grey had frequently fallen into difficulties by undertaking too great a multiplicity of measures. Within the last four years,—measures exceeding in importance and magnitude any that, during a similar period, had ever been proposed and carried by any Government, had been completed; at the same time it must be admitted that there were various other questions brought before Parliament, which at the end of the Session, in the month of August, the Ministers found themselves unable to carry forward, through want of sufficient time for due consideration. Therefore, ready, as he felt, to consider any questions that had been brought before the House by the late Government, willing as he was to pay attention to measures proposed by individual members, he would not undertake, on the part of the Government to go further than those two Questions of Municipal Reform in England and Wales, and the regulation of tithes in Ireland. He would not undertake in the present session to bring forward a measure on the subject of Church-rates; it was a question, however, on which his opinions were well known, and he should be always happy to communicate with Protestant Dissenters upon any subject which they might consider a grievance, with a view to their relief in all cases of well-founded complaint.

Sir *Robert Peel* had nothing to find fault with in respect to the principle which the noble Lord had announced on the subject of Church-rates, since the noble Lord had plainly said, that it was an essential condition of the existence of an Established Church that the state should provide for the maintenance and repair of the fabric of the Church. [Mr. *Hume:* "No, no." Lord *John Russell:* "Yes."] He hoped that the noble Lord might be allowed to be the interpreter of his own opinions: he certainly so understood the noble Lord, and at the moment when the noble Lord was assenting to his construction of the noble Lord's own words, he thought he might take that assent, to be the correct indication of the noble Lord's opinion, notwithstanding the peremptory contradiction which some one behind him gave to the representation. The noble Lord, in the conclusion of his speech, as if to remove all doubt on the matter, had explicitly declared that "his opinions on the subject of Church-rates were well known; and from that he inferred, that the noble Lord still maintained the opinions which he had publicly announced on the occasion when the present Earl Spencer brought forward the Question of Church-rates. Even if the noble Lord had not made the declaration that his opinions continued unchanged, he felt no disposition, as he had no reason or motive, to impute any change of sentiment to the noble Lord. In regard to the principle that the State was bound to maintain and repair the fabric of the Church,—it is the same with that maintained by Lord Althorp when he announced his intention to relieve Dissenters from as much as possible of the burden complained of. Lord Althorp stated that he found the total amount annually expended on the repairs, and for the service of churches and chapels in England and Wales, and raised by Church-rates, to have been between 500,000*l.* and 600,000*l.* The noble Lord said, that with respect to a large portion of this sum he made no provision, throwing the necessity of providing for the expenses incidental to the performance of divine service and other similar matters upon members of the Church itself; the noble Lord's observation were to this effect "The members of the Establishment had a right also to say, that their interests should receive all due attention, and that their principles should be respected; one of those principles certainly was, that means should be provided by the Legislature, for the support of the fabric of the church:"—the noble Lord added. "Another point, not immediately relevant to the Question, but which the Committee would not fail to take in view, was that the effect of the new plan would be not only to relieve Dissenters from their scruples, but the people of England from a considerable amount of taxation. It was proposed to apply 250,000*l.* from the land-tax, but the sum hitherto annually expended upon churches and chapels in England and Wales and raised by Church-rate, was between 500,000*l.* and 600,000*l.* by the latest return upon the Table. The relief from taxation, pressing upon the body of the people, would thus be important and would amount to the difference or nearly so, between 250,000*l.* and 560,000*l.* The expenditure had no doubt been extravagant in many instances, for sometimes the Churchwardens and vestry who ought to have guarded the interests of the parish, were benefited by the expenditure."* Such were the principles on which the then Chancellor of the Exchequer made his proposition, a principle to which the noble Lord (Lord J. Russell) and the rest of his colleagues gave their full assent. The noble Lord opposite supported the plan of Lord Althorp, in a speech to the sentiments of which, no doubt, the noble Lord still adhered. The resolution moved by Lord Althorp, abolishing Church-rates, and granting 250,000*l.* for the repair of churches, was met by a counter-proposition from the hon. Member for Middlesex, providing that after a time to be fixed, the payment of Church-rates in England and Wales should cease and determine. This proposition was declared by Lord Althorp to differ in principle from his, and on that ground the noble Lord and his colleagues resisted it. Church-rates were to be absolutely abolished, and no substitute provided. Upon this Question the House divided. He had the satisfaction of dividing in company with the noble Lord opposite, and with the then Chancellor of the Exchequer, when, by a majority of 256 against 140, they negatived the proposition of the hon. Member for Middlesex, that the repair of the fabric of the Church was a public charge, and maintained the grant of 250,000*l.* from the public funds for that express purpose. He had thus shown that the noble Lord's principle differed from that opposed to it by the hon. Member for Middlesex, and he now heard with great satisfaction that the noble Lord still adhered to that opinion, which he had maintained with great ability on the occasion in question; and although he now proposed delay in the settlement of the great Question of Church-rates, on the principle on which the settlement should be made, the noble Lord had not changed his mind. He would not attempt to gain popularity, at the expense of the noble Lord, by concealing what he had himself intended to do, and therefore he now declared, that although in the course of the present Session he should have attempted had he remained in office, to effect an immediate settlement of Church-rates, yet it was his intention to adopt the principle of the noble Lord—to extinguish all equivocal and objectional charges, but to provide for the repair of the fabric of the Church out of the general revenue of the country, by an annual provision, to the extent and for the objects contemplated by the noble Lord. It was right that the noble Lord should have the benefit of this declaration. He must add, however, that he should not have proposed to impose the charge substituted for Church-rate especially upon the Land-tax. In fact, that was a mere delusion, which meant neither more nor less than a contribution from the general revenues of the State, although it sounded plausibly at first. His proposition would not have been to take the necessary Funds for the maintenance and repair of Churches in England and Wales directly out of the revenues of the State. It would have been connected with propositions for the relief of the occupying tenant in Ireland from arrears of tithes, and for the grant of money to Scotland, for the purpose of providing permanent endowments in certain cases in that country, for the ministers of the Established Church, these being the equivalent advantages intended for other parts of the empire, in order to compensate for the relief given to England in the shape of an abolition of Church-rates. The satisfaction with which he had heard the expression of the noble Lord's unchanged opinion was greatly qualified by the noble Lord's declaration that he intended to leave this question of Church-rates in its present state during the course of another year. This was a great practical Question requiring adjustment, and he must say, that the noble Lord was under peculiar obligations to settle it as speedily as possible. The noble Lord had referred to the conduct of Churchwardens in compelling individuals to pay Church-rates by harsh methods, but the Churchwardens might, and would refer the noble Lord to his own Act of 1834, in which he and his then colleagues had asserted the principle of abolishing Church-rates, and providing a substitute for their payment out of the revenues of the State. And could the noble Lord be surprised at difficulty arising in the collection of the rate, and at the manifestation of an indisposition to pay it, when Government brought in a measure for the abolition of Church-rates in April, 1834, and when in June, 1835, the noble Lord said although his opinions and principles remained unchanged, yet he was not now prepared to bring his principles to a practical conclusion? He could see no grounds on which, since the noble Lord did still adhere to his principles, he could decline to bring forward without delay the subject of Church-rates with a view to its immediate settlement. He had on more than one occasion remarked, that it was unfortunate that the late Government brought measures under discussion, without that full previous consideration which was essential to their satisfactory adjustment, that they agitated the public mind by renouncing certain principles, and did not afterwards calm the disquiet they had caued, by any practical settlement of the Question at issue. The noble Lord now confirmed the general correctness of such a statement, for the noble Lord now admitted that attempts had been made at legislation by himself and his Friends, in this case and in others, which has proved very unsuccessful. He was always pleased when he could offer a practical proof in the support of the statement of a Minister of the Crown, and he undertook to say that never was a truer statement made by man than that the noble Lord and his colleagues had some times proposed measures with an inconsiderate zeal, and precipitation which left matters worse than they found them. The attempt at legislation, with regard to Church-rates, was a signal proof of the justice of the noble Lord's remark. Lord Althorp, in proposing a grant in lieu of Church-rates, had said, that in addition to the 250,000*l.* annually to be provided for, he believed there was a debt of about 80,000*l.* (the Church-rates having been mortgaged in certain instances), and some other small sums, but that those incumbrances could be easily provided for. Having heard this statement from the noble Lord, he determined to ascertain what those small sums were, and he therefore called for returns as to the amount of Church-rates mortgaged, outstanding debts for building churches, &c., and he found that instead of an incumbrance on the rates of 80,000*l.*, as stated by Lord Althorp, 827,000*l.* was the actual amount of debt due, and concurring with the noble Lord on the principle of Church-rates, and being desirous of carrying that principle into effect, he had to inform the noble Lord that all the information which he had collected, in respect to Church-rates, and the amount of existing debts for which those rates were a security, was entirely at the service of the noble Lord. With respect to Municipal Corporations, he was not about to say a word on that Question; but without undervaluing its importance, he must observe that the subject of Church-rates did not yield to it in urgency So far as any question could be important to the maintenance of social harmony, to the promotion of satisfaction among the great body of the Dissenters, there was not a single Question excepting that of the

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* Hansard, (third series) vol. xxii. pp. 10—14 and 10—18.

Irish Church, which so much pressed for an immediate practical settlement as this of Church-rates. He had understood that one of the main grounds on which he had been dispossessed of office, was, because Gentlemen opposite thought, that his accession to office had a tendency to interrupt several practical measures of improvement, which had been under mature consideration in the preceding Cabinet, and which had been only nipped in the bud by the untimely frost that set in about the 15th of November last. Was not the following proposed and carried as part of an Amendment on the Address to the Crown at the opening of Parliament? "To represent to his Majesty, that his Majesty's faithful Commons beg leave submissively to add, that they cannot but lament that the progress of these and other Reforms should have been endangered by the unnecessary dissolution of a Parliament, earnestly intent upon the vigorous prosecution of measures to which the wishes of the people were most anxiously and justly directed." If any one had asked him, what were the particular measures in addition to Corporation Reform, to which this Amendment referred as having been interrupted and endangered, by his accession to office, he should at once have answered, "A settlement of the Tithe Question in England, as well as in Ireland, the abolition of Church-rates, and relief to Dissenters in respect to the ceremony of marriage." These were the three measures which the late Parliament had under consideration, they had indeed done little towards the settlement of them, but they appeared 'earnestly intent upon them.' What might happen with respect to tithes in this country, he could not tell; the House had heard the noble Lord say, that he contemplated no other measures than Corporation Reform, and an Irish Church Bill, and all hope of commutation of tithes in England, he apprehended, was over for the present, and in like manner the Dissenters' Marriage Bill and a substitution for Church-rates, were to be postponed also. We had heard a novel reason for delay from a high authority on such subjects, one on which the noble Lord exceedingly relied —namely, the hon. and learned Member for the Tower Hamlets. His opinion now was that you must not touch any single subject, that you must not indulge in partial views, or take up individual questions, but must consider the bearings of the Questions of Marriage, Church-rates, Tithes, Registrations, and Church Reform, connectedly, and as parts of a great and entire whole; and having done so, you must bring in large and philosophical measures, harmoniously combined, and calculated to ensure universal content and satisfaction. Now, if he had said to the House, "Don't legislate on single subjects, do nothing till you can provide for the complete arrangement of everything, and settle all Questions together, including Tithes, Church-rates, Marriage, Registration, and Church Reform—don't venture to touch one Question till you are prepared to deal with all,"— then, indeed, they might have justly inferred, that the dissolution of the last Parliament had interrupted and endangered the progress of Reform, there indeed then would have been some foundation for their alarm, some justification for their amendment to the address. If the Government of Lord Melbourne had, as far back as November last, directed their attention to the subject of tithes and Church-rates, and had made up their minds on those Questions, they must be now prepared to bring them forward. They probably had done nothing more in these matters than they had done in many others, they were prepared to condemn what they found established, to declare that the existing law ought to be abolished, to make it, by virtue of such a declaration proceeding from such an authority, very difficult of execution, and to trust to chance for the future discovery of a substitute.

A Government had other duties to perform, than that of merely joining in an outcry against an unpopular law. They ought, at least, to follow up the condemnation of that which existed, with the immediate proposal of a substitute. To take any other course was to weaken the authority of all law, to habituate the public mind, to the absence of salutary restraint, and to diminish the hope of a satisfactory adjustment of that which might require reformation. And on this subject of Church-rates, surely the noble Lord, adhering as he professed, to his former principle, and being in possession of all the facts of the case, surely the noble Lord himself, one of the parties to the Bill of Lord Althorp, and being now perfectly able to accomplish his object, surely he was bound to proceed, and not to leave unsettled for another year, a subject so pregnant with the seeds of discord and collision. In consideration of the interests of the Church Establishment, for the satisfaction of a large body of the people,—for the accomplishment of their own pledges—to promote subordination and obedience to the law—to suppress individual complaints of grievance—surely to accomplish all these objects, a Government fit to be intrusted with the management of public affairs would, without delay, take this matter into their own hands, and not suffer the law respecting Church-rates to be made a theme of discussion in public meetings, and a subject of resistance by parochial martyrs for a nother twelvemonth.

The *Chancellor of the Exchequer* said, the right hon. Baronet certainly has made a very able speech, but he has not made quite a candid one. Let us consider as shortly as possible what is the argument of the right hon. Gentleman. He has argued altogether as if (and I put it to the House whether the two cases are at all similar)—as if the present Government stood now in the position in which it would have stood, if that change of Government, which took place in November last, had not occurred, and if that change had not been succeeded by a general election. There is not one single word contained in the amended Address to the Throne which I do not now reavow, as strongly as I voted for it before. If, indeed, the events which took place in November, and which were in February brought under the consideration of the House, had not produced delay, if they had not impeded the course of Reform, then I admit that that Address would have been false, and that the House ought not to have passed it. But if, on the other hand, the occurrences of November have had the effect of impeding the course of safe and useful Reform, then the position in which the House is now placed is not a position which the majority who voted for that Address is at liberty to impute to us. It is to those causes that we have a right to refer that position. The right hon. Baronet well knows that the interval between the month of November and the meeting of Parliament in the month of February, is of all intervals, that which enables the Government to meet Parliament with the best effect. Of that advantage Lord Melbourne's Government was deprived. For some time after the dissolution of Lord Melbourne's Administration, an anomalous state of things existed, during which it was doubtful whether the country possessed any Government at all. When the right hon. Baronet returned from the Continent, he assumed the reins of Government, and he had the advantage of the interval before the meeting of Parliament to prepare his measures. Sir, the right hon. Baronet has profited by an admission made by my noble Friend who sits near me—a concession applicable to a particular state of things which then existed, but one which the right hon. Baronet very ingeniously seemed to consider an admission on his part that the late Government—that Lord Grey's Government—did nothing but bring forward incomplete and ill-digested measures. Why, Sir, any one who heard the right hon. Baronet, without a previous knowledge of the fact, would have been induced to imagine that Lord Grey's Government had never settled the Question of the Bank Charter—that Lord Grey's Government had never settled the Question of the East-India Charter—that Lord Grey's Government had not, through the agency of my noble Friend who sits below the gangway (Lord Stanley), settled the West-India Question—no inconsiderable one in itself. The right hon. Baronet himself will not deny—though there are persons not very far from him who will—that the settlement of the Poor-law Question was no inconsiderable item among the great and burdensome measures which that Administration undertook; and hon. Gentlemen who sit on this side of the House will at least think that the settlement of the Question of Parliamentary Reform was not so unimportant as to be altogether excluded from notice or observation. Well, Sir, in what position do we now find ourselves with respect to the proceedings of the present Session? In the month of May—towards the close of that month—the Government are called upon to propose measures to Parliament. Is it wise or is it just that they should undertake, or would it be wise or just for the House to wish them to undertake more than they can reasonably hope to fulfil within the Session? If we did so, we certainly should disappoint the just and reasonable expectations of the country; if we did so, then indeed the taunts of the right hon. Baronet would become applicable to the course which rightly or wrongly, he imputes to us, of bringing forward a greater number of measures than could be brought to maturity within the Session. If this be blameable in a Government, does he not know that if in the month of May we were to pledge ourselves to the variety of questions on which he has argued, he would then have us in his power, and that we could not complete any one of those measures; and does he not know that by adopting the course we have taken of selecting two great measures, and proposing them for the consideration of Parliament, we have pursued the safest, the justest, and the most satisfactory course. The right hon. Baronet himself can hardly, I think, deny this proposition, because those who introduced the subject on his behalf distinctly stated the principle that no one question could be more pressing than the settlement of the Question of the Irish Church. It was the first Question which the Government of the right hon. Baronet introduced; it is the Question which we are now pledged to bring forward; and I am somewhat surprised that in the great and new-born zeal which now manifests itself in favour of the Dissenters, we should be called upon by the right hon. Baronet and his Friends, in their defence, to postpone all other claims to theirs. Sir, why were not the Dissenters, grievances settled long since? Why did not the right hon. Baronet, and those concerned with him in the Government of this country, settle them once and for ever? How long were they responsible? If they object to us that we have postponed for the present Session the bringing these different matters to issue, how will they answer to the Dissenters for their having postponed during so many years the settlement of this question, the adjustment of their claims, and the removal of their grievances? Sir, do the right hon. Baronet, and those who act with him, think that by taking this course they will persuade the Dissenters of England that we have not been earnest in our sincere wish to carry into effect, and work out to the utmost, the principles of that relief which we—not for the first time in the year 1835, but during the whole period of the organization of the Whig party —have felt that the Dissenters of England were entitled to? Do they think that the Dissenters of England will be misled or dazzled by this new-born zeal? If it be calculated to produce any impression on their minds for one moment, I only wish the Dissenters to look back to those debates of which we hear so much—I mean the records of our Parliamentary decisions. I say let them do this, and then ask where this zeal in their behalf was slumbering at the time that the Repeal of the Test and Corporation Acts was proposed? That point upon which we are now all agreed—that point upon which there is now such perfect unanimity of opinion—was then opposed by the very individuals who now come forward and tell us, in their zeal for the Dissenters, that we are paltering with their interests when we postpone the consideration of their claims for one moment longer. Sir, there should be no postponement of the subject if we believed that during the interval that remains of the present session we could do more than accomplish the two great objects that are before us. It is not because we shrink from the Question, it is not because we are indifferent to the rights of the Dissenters, that we postpone the consideration of their claims—it is because we are resolved to select, with due respect for the right hon. Baronet, our own ground of battle. We will not accord to him the advantage of driving us from our lines, if we feel it more in furtherance of our principle, and more conducive to the public interest, that we should fight on our own ground. Sir, we take our stand upon these two great measures. The right hon. Baronet knows, I believe, as well as I do, that we could not accomplish more. Perhaps he thinks we might substitute the measure upon which he has laid so much stress for one of the measures we have announced—Corporation Reform, Sir—the Question of Corporation Reform —there is our point of contest with the right hon. Baronet—there shall be our field of battle—and there we will meet him upon an issue which will be intelligible to the people. Does not that Question press, or does the right hon. Baronet think it might be advantageously postponed? It does press, Sir, upon certain parties in this country—it presses hard upon them at the present moment in the shape of inflictions, from which, I trust, our measure will relieve them; the alarm presses hard upon others, who would gladly —most gladly—postpone the discussion, and who, for the purpose of advantageously acquiring the means of postponement, urge the Dissenters to the settlement of their claims, and abjure Municipal Reforms. The right hon. Baronet and those around him are so perfectly friendly to the claims of the Dissenters, that really whether it comes a little sooner or a little later, the Dissenters need not be alarmed, because on that subject all parties are quite agreed. I hear, however, that on the Question of our Municipal Corporations we cannot look for quite so much coincidence of opinion. The right hon. Baronet has stated, I believe upon some authority, that in anticipation of the measure of Municipal Reform, certain corporations in the land are already taking measures to distribute and divide among themselves that which constitutes the common good of the corporations in question, and to divide their lands, in order to prevent this remedial measure, when it does come into operation, from having any practical effect—I say, then, to the Dissenters—and I believe they will take the advice of Gentlemen on this side of the House quite as soon as they will accept that of Gentlemen connected with the late Government—that it becomes more important for them, that it is the more important for the maintenance of their interests, that the Question of Municipal Reform should be, in the first instance, and without delay, settled. I believe it is a point upon which the feelings of the people of England are most deeply set; and that if you were to poll the people of this country, man by man, they would say that the reform of the Municipal Corporations was second only—if indeed it be second to anything—to the other great measure of Reform which has been introduced and passed into a law. Well, then, Sir, it is upon these grounds; it is with a view to the practical execution of two important measures, rather than to an ineffectual attempt at the settlement of any other—it is with that view that the two measures to which we wish to direct the special attention of Parliament, are the settlement of the Irish Church, including the Question of the Appropriation of its Revenues, and the settlement of the Municipal Corporations. Sir, the right hon. Baronet may, and very possibly will, taunt us with having taken this resolution—a course which may be adopted by others, though not with his ability or his power. We appeal to the people of England; we tell them that in the month of May we cannot hope to accomplish more than those two great measures. We ask you, do you wish to see the Irish Church Question settled? We ask you, do you wish to see the Municipal Institutions of the country modified? If you do, we think that by the support of Parliament we may be enabled to accomplish these two measures: if we try to effect more in the time which is before us, we fear we shall fail not only in those two, but in the other subjects to which our attention is directed—not by the old friends of Reform—not by the Dissenters themselves, but by Gentlemen who know full well that a Government restored to Office in the month of April, and commencing their proceedings at the end of May, is not to be stigmatized because it does not happen to be in the same situation as it would have been if no change had taken place in the month of November. It may be a fair Parliamentary taunt, but it is no moral reproach that the right hon. Baronet has thrown out, if one seeks to affirm the proposition that we stand in the middle of a session in the same position as if no change had taken place. We shall take our position as I have already stated; we shall bring forward the two great measures to which I have referred. It will be for the country to decide whether we have done wisely in directing their attention to those great and important objects, or whether we should have acted more wisely and more beneficially in adopting the course recommended by those who are opposed to us.

Mr. *Wilks* considered the two measures which Government had announced their intention of bringing forward most pressing and important; the one would give peace to Ireland; the other was a measure of reform without which the Reform Bill itself would be paralyzed. He could have wished that the Dissenters' claims had not been postponed, he still thought Ministers might take those claims into consideration during the present Session, and hoped that they would re-consider their determination on the subject. If, however, they should upon reflection remain of opinion that it was wise to postpone that question, he had no doubt that the Dissenters would wait patiently. For his own part, deeply impressed with the importance of the measures to be brought forward by the Ministers, he should be ready to give them his most cordial support.

Mr. *Arthur Trevor* begged leave to doubt whether the hon. Member who spoke last expressed the sentiments of the Dissenters. At all events he believed that the Dissenting portion of his constituents would be any thing but satisfied with the conduct of Ministers. The people of England would contrast the course which Ministers were about to pursue with that which the right hon. Baronet was pursuing with so much advantage to the country and his own character, when he was compelled to relinquish office upon pretences which he need not refer to.

Dr. *Bowring* said, that the Dissenters knew who were their real friends; and expressed his conviction that they would not press their claims, when their so doing might retard the progress of the important measures that had been adverted to.

Mr. *Potter* also bore testimony to the willingness of the Dissenters to postpone urging their claims until they could be more advantageously conceded.

Mr. *Ewart* was convinced of the necessity of Municipal Reform, and thought nothing was more pressing. Since the passing of the Test and Corporation Acts not one Dissenter had been admitted into the Corporation of Liverpool. The measure announced by Government would at once unlock the barred-up Corporations, and liberate them from the thraldom in which they had been so long held.

Mr. *Mark Philips* was desirous to see the Church of England and the Dissenters united in the bond of peace and concord. He feared, however, that the adoption of such proceedings as had given rise to the present discussion would only foment and perpetuate differences which they all deplored. He hoped that hon. Gentlemen opposite, who expressed so much anxiety for the settlement of this Question, would, when it again came forward, meet it in that fair and candid spirit which was so well calculated to promote the end they all professed to desire.

Mr. *Pease* said, that the Dissenters would confide in their old friends, and wait until they obtained a well-digested measure of relief from them. The Society of Friends did feel it to be a hardship that they were called on to contribute towards the repair of the edifices appertaining to the Established Church, believing, as they did, that the Church was itself in possession of ample funds for that purpose.

The *Attorney-General* thought that a very unjust attack had been made upon the law and the legal tribunals of the country. In his opinion the Churchwardens referred to in the petition had grossly misconducted themselves, and their proceedings had been illegal as well as oppressive. The law applicable to the case noticed in the petition was very vexatious as it stood previous to the passing of the Act of 53rd George 3rd. Before that time the only remedy for the recovery of Church-rates was by a proceeding in the Ecclesiastical Court, which could only be enforced by excommunication. The 53rd of George 3rd, however, empowered parties to proceed for the recovery of sums due for Church-rates, the amount of which was under 10*l.* by distress, while the jurisdiction of the Ecclesiastical Court was preserved with respect to sums above that amount. It was, therefore, the meaning of the Legislature, and that meaning was clearly expressed in the statute, that for sums under 10*l.* the jurisdiction of the Ecclesiastical Court, should be entirely taken away. In spite of this, these Churchwardens betook themselves to the Ecclesiastical Court, and, not content with that, took out a writ *de contumace capiendo* (excommunication being now very properly abolished for such a purpose). All these were voluntary and premeditated acts on the part of the Churchwardens, in consequence of which Child had been deprived of his liberty, Hon. Members declaimed about the hardship of seizing the goods of that individual, but, in his opinion, the casting him into gaol was a much greater hardship. For that illegal act the Churchwardens had rendered themselves liable to an action.

Mr. *Law* said, that after the discussion which had taken place, it was not his intention to trouble the House with many observations, though he had originally intended to call their attention to some of the real facts of the case, which had been communicated to him. However, the observations made by the hon. and learned Attorney-General induced him to state one important fact, which entirely negatived the imputation cast on the Churchwardens, that they had from first to last been actuated by a desire to oppress Child. From the communication made to him, of the truth of which he had no doubt, it appeared that the Churchwardens informed Child, even when the costs of the suit had been incurred, but before any step was taken to arrest him and put him in prison, that they would still accept the sum of 17*s.* 6*d.* and would bear all the costs themselves. This circumstance was sufficient to rebut the conclusion, not very charitably drawn by the hon. and learned Attorney-General, that these Churchwardens had been actuated by any other but proper motives. He concurred entirely in all that the hon. and learned gentleman had said with respect to the law of the case. He was free to admit that the proper course to pursue was to have summoned Child before two magistrates, but the Churchwardens believing that they had to choose between two remedies were influenced in their decision by a desire to avoid all appearance of partiality; and they therefore refrained from bringing the matter before the two magistrates of their district, because one of them happened to be a minister of the Established Church. They had also the experience of the past to deter them from that course, for, in the previous year, after property which had been seized was restored to the owner, it was paraded about the place in a manner calculated to excite the people to acts of misdemeanour. He denied that the object of the Churchwardens was oppressive. They had, perhaps, exposed themselves to an action at law, but that very circumstance afforded a strong reason why that House should not prejudice a question which might be submitted to the ordinary tribunals of the land.

Mr. *Cobbett* observed, that it was the duty of the Judges of the Ecclesiastical Court to have been cognizant of the statute to which the hon. and learned Attorney-General had referred.

Dr. *Lushington* said he had never known an instance, since the passing of the 53rd George 3rd, where parties had had recourse to the Ecclesiastical Court for the recovery of Church-rates, where the sum was under 10*l.*, without having previously gone before two justices of the peace, and having had objections taken to the validity of the rate. This latter circumstance alone gave the Ecclesiastical Court the right of jurisdiction in such a case. How, then, could the hon. and learned Recorder, who knew the great and grievous expense of an Ecclesiastical proceeding, assert that these Churchwardens, by whom the terms of the statute as well as the universal practice had been disregarded, were actuated by good motives? The hon. and learned Recorder founded his favourable opinion of the motives of the Churchwardens on the fact that after legal proceedings had commenced they offered to accept the payment of the Church-rate from Child, and pay the costs themselves. Now, if they had been acting honestly and fairly—if they had not been afraid of the consequences of their own proceedings—if they had not been aware that they were guilty of an act of oppression, would they have made that offer? Would they not rather have insisted on the payment of the whole amount to which they conceived themselves entitled? In his opinion, the Churchwardens were, in the first place, principally to blame. In the next place, the Judge of the Ecclesiastical Court was to blame, for, as the hon. Member for Oldham had observed, it was his duty and business to have read the Act of Parliament, and he was responsible for having sent a man to gaol in consequence of his ignorance of the statute law of the land. But it was asked, how long were the Dissenters to labour under these grievances? He concurred in opinion with those who were anxious for their removal, and not one syllable should ever escape from his lips tending to depreciate the justice of the Dissenters' claims, or the urgent necessity of a fit and proper remedy for the grievances they suffered. Still he never would be a party to the holding out of false hopes to the Dissenters. He would not on the 25th of May deceive them by declaring, that in the course of the Session there would be found time and opportunity to pass some legislative measure, for the purpose of placing them in the situation in which they were entitled to stand. He represented in that House a large body of Dissenters, and he was confident that they would believe him when he declared, that if he were to find that the present Ministers, having when in opposition urged the propriety of conciliating the Dissenters and conceding their claims, were, now that they possessed power, to state that they could not carry their principles into complete effect and execution, he would be the first to expose to disgrace and reprobation those men, who had crept into power by the support, aid, and assistance of the Dissenters, and were then base enough to turn round and desert their friends and supporters. If he thought the Government were inclined to act in that way, his (Dr. Lushington's) proper place would not be on that (the Ministerial) but on the other side of the House, and there was no species of opposition, however bitter—no sarcasm, however severe, which he should refrain from using against them. But though he held these sentiments, ought he to doubt the sincerity of the present Ministers, because they did not attempt to do that which it was impossible for them to do satisfactorily at the present period of the Session—because they did not throw on the Table of the House, ill-concocted and ill-digested measures, in nowise calculated to give satisfaction to the Dissenters, or to do justice to those who belonged to the Established Church? The other night he declared that there must be delay. He now repeated the declaration. If the Members of that House meant to legislate like senators and men of wisdom, they must take the whole of this great and important subject, with all its bearings, into their most deliberate and comprehensive consideration. It behoved those who were desirous of altering a system which had now subsisted for ages, to cast their eyes on every side, and to be quite certain, when they made a reform, that that reform would be satisfactory to all the parties whose interests were at stake. To throw on the Table, a Bill which had no chance of being read a third time, might be a means of obtaining an ephemeral sort of popularity among the Dissenters, but that was not the way to do either them or the country substantial justice. He had last session told Lord Althorp that he was attempting to do more than he had time to carry into effect; he told the noble Lord that he would not be able to carry his English Tithe Bill, together with his other measures, and the prediction proved correct. He now declared, that that House could not, during the present Session, discuss, with becoming deliberation, the various measures relative to Dissenters' marriages, Church-rates, and Registration, which were all intimately connected together. Nevertheless they could pass a resolution, binding themselves early in the ensuing Session to proceed to the consideration of all those great and important questions, with a view to grant the Dissenters a complete and ample redress of all their grievances. If they did that, they might rest assured that the Dissenters would care little for the opinion of the hon. Member for Durham; the Dissenters would trust to their old friends, for they were not so ignorant of the world, or so over confident, as to place reliance in those who had always been their bitterest enemies. The Dissenters had too much forbearance—too much love and affection for their country—they were too sincere patriots, to urge the Government now to abandon those all-important measures which related to Ireland, and the Reform of the Corporations in this country. They would wait patiently until those measures were accomplished, provided they were assured that a comprehensive measure for their relief, to which they were justly entitled, would, without regard to obstacles, be placed on the Table of the House at the commencement of next Session.

Mr. *Cressett Pelham* said, that as the matter contained in the petition before the House might possibly come before another court, he suggested whether it were fair to anticipate the merits of the case, by prolonging a discussion like that which had been going on? The object of the petition, he thought, was one of a vague character, without specifying any particular mode of redress. It was apparently designed to produce a general sort of discussion, and certainly the discussion had taken that turn. He agreed with the noble Secretary for the Home Department, that questions of such general importance should not be taken up hastily by the House, and would express his concern that any body of men, holding authority from the Crown, should show a disposition to sanction or adopt the line of proceeding that was taken up on the opposite side of the House.

Mr. *Winthrop Praed* took it for granted that the Representatives of the Dissenters in that House, who expressed such satisfaction at the declaration of the noble Lord (Lord John Russell), were also ready to adopt the noble Lord's principle, that the nation at large ought to contribute to the repair of the fabric of the Established Church. With respect to the case mentioned in the petition, the hon. and learned Member had attempted to cast an imputation on the motives of the two Churchwardens. This he surely would not have done if he had heard the plain and simple statement of the hon. Member for Ipswich. The hon. and learned Member (Dr. Lushington) said that the offer made by the Churchwardens to pay the cost of the legal proceedings they had adopted was a proof that they were conscious of having violated the law. Now, what were the facts of the case? At the time this offer was made, a citation only had been served, and no action for damages would then have laid. When their offer was refused, how did they act? Like men who knew that they had violated the law? On the contrary, they continued their proceedings and procured the arrest of Child. The hon. and learned Member, then, appeared to have cast imputation on the motives of the Churchwardens, in ignorance of the facts of the case, and he (Mr. Praed) therefore trusted that the hon. and learned Member would not, until he had learned to judge more impartially, bring over to that (the Opposition) side of the House, either the severity of his censure or the bitterness of his sarcasm.

Mr. *Pryme* ridiculed the idea of the Churchwardens having, on the plea of fairness and humanity, put the unfortunate Mr. Child into prison rather than bring him before a magistrate, who happened to be a clergyman. By such an excuse they added hypocrisy to cruelty. Their whole conduct well deserved the epithets applied to it in the petition. They really appeared to have been actuated by the rancour of religious hostility.

Mr. *Baines* said, that the hon. Member for Yarmouth had not correctly stated the views of the Dissenters, when he informed the House that they were disposed to acquiesce in an arrangement for raising a Church-rate by a general tax, instead of a specific rate. No such concession had been made; and he protested against the Dissenters being committed to that admission. They wished, indeed, the edifices of the Church to be upheld; but they thought that when the revenues of the Church came to be investigated, it would be found that the sinecures of the Church were sufficient to pay for the keeping in repair the churches, or if they should prove deficient, that there were other sinecures and pensions that might be resorted to for that purpose without imposing fresh burdens upon the people. As to the proposed delay, the Dissenters wished to have their grievances redressed as soon as was compatible with their satisfactory adjustment; but they were more anxious that the legislation upon them should be sound and permanently satisfactory, than that the measures having that object should be hurried through Parliament without due deliberation. He thought the country was much indebted to Mr. Child, for the firmness and decision that he had displayed in support of his principles at a critical juncture, while the petition before the House, had been of essential service, for it had elicited the information which had been given, as to the intentions of the Government, by the noble Lord, the Secretary of State for the Home Department.

Mr. *Hardy* was not acquainted with either of the two Gentlemen who had adopted the proceedings against Mr. Child, but he thought that a most unfair attack had been made on them. They had given notice of all the proceedings in his case, and had manifested every anxiety to settle the matter amicably. There appeared to him to be nothing either of injustice or oppression in their conduct.

Mr. *Charles Buller* never recollected any case of injustice or oppression brought before the House, in which some Gentleman did not come forward and assert that the persons against whom that complaint was brought were most humane characters, and were actuated by the purest motives. The Churchwardens, now complained of, had adopted a most extraordinary mode of showing their humanity towards Mr. Child. From the individual question respecting Mr. Child, the attention of the House had been called to the general Question of the injustice of continuing the present law respecting Church-rates. His attention, however, had also been directed to another great Question, namely—the constitution of the tribunal by which Mr. Child was subjected to these iniquitous proceedings It appeared that Mr. Child had been illegally brought before this Ecclesiastical Court, for the paltry sum of 17*s.* 6*d.*; and according to the learned civilian (Dr. Lushington) than whom there could not be a better authority on the subject, the expenses would amount to at least 16*l.* He asked how long his Majesty's Ministers intended to allow the present system in the Ecclesiastical Courts to be continued? The Government he trusted would at once give some information on this point. He was satisfied that if they did not bring forward some effectual measure of Reform with respect to these Courts, they would lose the confidence of the country. The late Government had promised Reform on this point which might probably have been effectual if the matter had been taken up in the way which he understood the right hon. Baronet then at the head of the Administration intended that it should be. He was the more anxious upon the point, as some of his constituents had been injured by the oppressive conduct of the Ecclesiastical Court — indeed the oppression on this point was very great in the West of England. He had intimated at the early period of the Session that it was his intention to move for leave to bring in a Bill to take away from the Ecclesiastical Courts all jurisdiction in Tithes or Church-rates, but he did not persist in his intention, as he had been told that that would form part of the measures to be brought forward by the late Government. That Administration lasted six weeks after this intimation, and yet they manifested no signs of bringing forward such a Bill. He wished to know whether his Majesty's Ministers intended to introduce some measure, for if they did not he should certainly proceed with his Bill?

Lord *John Russell* was understood to to say, that the Government wished to do what the hon. Member had adverted to, but he could not then give a more specific promise.

LEGAL APPOINTMENTS IN IRELAND.] Mr. *Arthur Trevor* said, that he wished to put a question to the noble Lord the Secretary for the Home Department, which he considered of paramount importance at the present moment, and which the public looked to with great interest. He would not allude to the various reports in circulation beyond——[" *Question* !"]. Reports, however, were in general circulation respecting certain appointments connected with the Government, and these had been strengthened, and partly confirmed, by an expression used the other night by the hon. and learned Member for Dublin. He wished to know whether the legal appointments connected with the Irish Government had, previously to their being confirmed, been submitted, either directly or indirectly, to the hon. and learned Member for Dublin for his approbation.

No answer was given to the question.

AGRICULTURAL DISTRESS.] The Marquess of *Chandos* rose to bring forward his Motion. As that was the third time he had brought the subject of the Distress of the Agricultural Classes under the notice of that House, he should not think it necessary to enter into the subject at great length. He deeply lamented the failure of his former Motion, as it was one calculated to afford considerable relief. But though he bowed, as he was bound to do, to the opinion of the House, yet he still entertained the same opinion. It was impossible to conceal the desperate condition of the farmer at present, as contrasted with his former position, and as impossible that relief could be longer withheld from him without sacrificing the whole agricultural interest of the country. All must be of the same opinion on this point. He would, then, the distress of the tenants being known to every Gentlemen, call on the House to afford relief. The measure which he meant to propose to the House for its adoption would not be final, but only temporary, and suited to the existing exigency. Ever since the commencement of the reign of George 3rd, the Poor-rates and the County-rates had been increasing, and all falling with cumulative weight on the farmer. It was thought by the former Government that the reduction of the County-rates, and the expenditure of money in building bridges, and striking out new lines of communication, would tend to relieve the distress of the agriculturists; but those plans were not attended with the desired effect. The late Chancellor of the Exchequer proposed another measure, the Commutation of Tithes in England and Wales. That measure, however, had not been brought forward as it was generally expected it would ere this have been, and he had been extremely pained to hear the noble Lord that evening state that it was not the intention of his Majesty's present Administration to proceed during the present Session with more than two measures, of which a Bill for the Commutation of Tithes was not to be one. He was of opinion that a Commutation of Tithes would be a measure of very great practical utility to the landed interest, and rejoiced indeed should he be if the appeal which he was then making on their behalf should have the effect of inducing the noble Lord and his colleagues in the Government to reconsider their determination, and within a few days to announce to the House that they would not allow the present Session to pass without introducing a Bill embodying the propositions which Earl Spencer in the first instance, and the right hon. Baronet, the late Chancellor of the Exchequer, had announced from the Treasury Benches. In submitting to the House his present appeal it was his (Lord Chandos's) intention to embrace the relief likely to result from the repeal or reduction of local as well as general taxation. With regard to local taxation, his opinion was, that much might and ought to be done for the farmer. That it might be done the declarations of the Government were sufficient guarantee, and that it ought to be done, if practicable, required but little, if any, ingenuity to prove. When they considered the present prices of landed produce—when they found that in every, no matter how trifling, article of that produce, foreign markets competed, and competed with success with those of Great Britain—when they recollected that at the present moment wheat, which last year fetched 6*s.* the bushel now brought only 4*s.* he did confidently expect the House would concur with him in thinking the time was come when it was incumbent on them to look out for some means of relief for the farmer, and devise some measure, which, if it should not have the effect of bringing back to him all that prosperity he in past times enjoyed, should at least take from him those burthens which nothing but a continuance of that prosperity could enable him to endure. They might not—it would be idle in him to contend they could—give relief to the extent the farming population required, but at all events it was in their power to effect such a reduction in local as well as general taxation as would give to their exertions that energy which their present depressed condition altogether kept down. Was the House in possession of the tremendous fluctuations in prices which had attended the sale of British farming produce? He held in his hand a paper from the pen of an able writer, he meant Sir John Sinclair, in which the average prices of wheat from the year 1800 to the year 1835 were given, which was in itself quite sufficient to present a lamentable picture of the depression at present endured by the landed interests. From that document it appeared that in 1800, the price of wheat was 110*s.* per quarter; in 1812, 122*s.*; in 1833, 53*s.*; in 1834, 44*s.*; and in 1835, 38*s.* showing a continually descending scale of prices. Might he not, when looking at this table, safely say that the time had arrived when something must be done by legislative interference to check this fall of prices, to relieve the farming population of some of their burthens, and, above all, that measures should be taken to give them that protection which could alone secure a market, even though an indifferent one, for the produce of their land? Upon looking into the last *Mark-lane Express* he found there had been introduced of foreign grain into the British market during the week,—barley 515 quarters, and of Irish oats, 33,496 quarters. That quantity within the short space of six days, had been brought into competition with British produce; and, at the same time, of bonded corn and of flour there was a considerable quantity disposed of. Was it possible to expect that the British farmers labouring under this disadvantage, together with an amount of taxation totally unproportioned to the income they derived from their labour, could find the means even of sustenance for themselves and their families? If the Government were bent on ameliorating their condition there were many practicable improvements which, though in themselves they might be insufficient in affording that immediate relief which was so loudly called for, would, if adopted, prove of great ultimate benefit and assistance. If, for instance, among other improvements, the Government were to advance money and buy up the corn of English growth, according as the market became overstocked, and bond it for future use when the supply was less extensive, it struck him they would be doing that which might be the means of great relief and benefit. This project did not form a part of the plan he had to submit to the House, but he threw it out in the hope the right hon. Gentleman the Chancellor of the Exchequer might be induced to consider its practicability. The relief he at present sought was, in a great measure, that which would arise from the reduction of local taxation. Every country Gentleman must be well aware that the county-rates came upon the farmer with a heavy pressure. It was the land which was obliged to pay for the prosecution of felons at Sessions and assizes; it was the land which was called upon to maintain and support prisoners; it was the land which had to defray the expenses attending the building and repairing of bridges; and it was the land which had to bear the cost of making and keeping in order the highways of the country. These constituted some of the heaviest burthens which the suffering farmer had to endure, and it was with a view to relieve him, if not of all, at least of some portion of their pressure, that his present Motion was introduced. What he had to propose to the right hon. Gentleman, the Chancellor of the Exchequer, was, that the recommendations contained in the report of the last Select Committee on County-rates should be acted upon, and that, without further loss of time, measures should be introduced to carry them into execution. His anxious desire was, that Parliament should relieve the land in the way that Report proposed—namely, by exempting the farmers from the heavy payments, under the head of County-rates, they were now called upon to make, and by throwing them amongst the general charges on the country. On what principle of justice was it that the public, who enjoyed the chief benefits of the bridges of the country, many of them completed at an immense cost—indeed, he might mention that one lately erected in the county to which he belonged, had cost the land no less than 22,000*l.*—were not called upon to contribute one fraction towards their expense? Was it fair, that the poor farmer should have to pay for a bridge situated, as was often the case, some fifty or sixty miles from his home, which, in all probability, he would never see or use? It was from such an unjustifiable imposition he sought relief, and certain he was, if the country Gentlemen, whom he had the honour to address, were sincere in their professions of anxiety to assist their suffering constituents, they could not avoid giving him their support. The prosecution of felons, and the support of prisoners in gaols, he would likewise make a national charge. As to the expenses consequent upon the repair and maintenance of the highways, he thought they might, with the greatest propriety, be charged to the national purse; and when he recollected the great inconvenience and loss sustained by the farmers in being obliged to perform statute labour on the roads, he was more than ever anxious to see such a proposal acceded to. When, indeed, he found the toll owners of the country rolling in affluence, and discharging their duties by deputy, and at the same time saw the poor farmer obliged to contribute the labour of his men and cattle—labour which would be of the utmost use to his land—he could not avoid expressing his surprise they should have so long patiently endured the exaction. With respect to general taxation, although much could not be done, yet something in the shape of relief, was practicable. The noble Lord, who was Chancellor of the Exchequer during the last Session, told the House, when making his financial statement, that very little could then be done for the agricultural interest, but that the little which could be done, would be of the greatest use to the farmer. In fulfilment of this promise, the noble Lord reduced the Window-tax on houses rated under 20*s.* per annum, affording a relief to the agriculturalists of 35,000*l.* a-year—reduced the duty on carriages employed in husbandry, to the amount of 10,000*l.* a-year—reduced the tax on horses and cattle employed in husbandry, which gave a saving of 3,000*l.* a-year—and, lastly, reduced the taxes on male servants under eighteen years of age, which benefitted the farmer to the extent of 20,000*l.* a-year. This was, indeed, a trifling degree of relief to a distressed interest, but, trifling as it was, it was sufficient at the moment to raise the spirit of the farmer, and to engender the hope that at an early period each of the taxes so reduced by the noble Lord, might be totally repealed. The duty on tax carts ought, he thought, at all events, to be repealed; and if so much could not be done with the other taxes he had particularized, at least some further reduction might be effected. He felt that in making this proposition, he might be told by the Chancellor of the Exchequer, that the surplus revenue would not admit of making the required concessions, and that, at all events, he ought not to have mooted the subject, untill the Budget was before the House. With such excuses and comments he had been put off, he was sorry to say, by more than one former Administration, but he trusted that they would not be had recourse to upon the present occasion. He asked but for little; and he did hope, under the peculiar circumstances of the case, that the little he asked, would be conceded to him. His opinion, that the Repeal of the Malt-tax would be the most beneficial concession to the agricultural interest, the Government could make, remained still unchanged: but, as a large majority of the House had decided against such a measure, he felt it would be a useless intrusion on their time and patience, again to moot that question. Such being the case, he was reduced to the necessity of asking but an instalment of relief, if it were only to give hope that, when circumstances permitted, further concessions would be made, he entreated the Government to grant to the farmer the trifling boon he now, on their behalf, solicited. He had but one object in making the application. It was not a party object—it arose in an anxious desire to give hope and consolation to the English farmer, and of use to the best interests of the country at large. He meant to take the sense of the House on his proposition, and anxiously he trusted to see the country Gentlemen to a man marshalled in its support—in the support of the most important interest of their constituents. The case which he laid before them, was one of the deepest distress—a distress which they all knew was not feigned—which they all must acknowledge was entitled to relief. Twice had his Majesty, in his Address from the Throne, alluded to the distress of the agricultural interest, but as yet no substantial remedy had been devised. How long was this to continue—how long could it be continued without danger? When the whole of the agricultural part of the country was pressing forward for relief, when the pauper population was disturbed, when the Poor-laws were failing in many instances to prove so successful as had been expected. [*"No, no."*] He would repeat that in many instances the Poor-laws were not proving so successful as had been expected—it was certainly necessary for Government to introduce some measure of relief. Some hon. Members seemed to think the Poor Law Bill had succeeded in effecting the object of its framers. In the county which he had the honour to represent there was to be found sufficient proof that it had not, and he believed that county did not stand forth as an isolated example of its ill effects. He should not have another opportunity during the present Session of bringing on this question, and he had now brought it forward in a modified way. The Chancellor of the Exchequer had ample means of protecting the farmer to the extent now sought: and when large quantities of foreign butter, cheese, and other articles of consumption, were daily poured into this market, some steps ought to be taken to secure a proper remunerating price to the farmers of this country, who also brought those articles into the market for home consumption. There were besides other articles requiring to be protected, in which the Scotch farmers were more particularly interested, and those were clover and other seeds, of which large importations annually took place. He would again repeat, Government was in a position to give the trifling relief he now asked on behalf of the farmers, and he trusted there would be no objection to it. He, however, would tell the House candidly that he intended on some future occasion to ask for more extensive relief, but he would not do so until he saw a possibility of its being conceded without in any way unfairly prejudicing the other interests of the country. The noble Marquess concluded by moving, "That an humble address be presented to his Majesty, expressing the deep regret this House feels at the continuation of the distressed state of the agricultural interest, to which the attention of Parliament had been called in his Majesty's most gracious Speech from the Throne in this and the preceding Session, and humbly to represent to his Majesty the anxious desire of this House that the attention of his Majesty's Government should be directed to the subject, with a view to the immediate removal of some parts of those burthens arising from the pressure of General and Local Taxation."

The Earl of *Darlington* rose with great pleasure to second the Motion of the noble Marquess, who, upon this occasion, as on every other since his entry into public life, had showed himself well deserving of the proud title which he generally received—that of "the farmer's friend." The picture which had been drawn of the distress endured by the agricultural population was not, unfortunately, an exaggerated one; it was impossible to give it that character, even if it were desired; and, as the proposition of the noble Marquess was as moderate a one as could be conceived under the circumstances—in fact, if he had any fault to find with it, it was that of being too moderate—he earnestly and sincerely trusted that the Government would see the absolute necessity of acceding to it. In their consideration of the subject, they ought not to forget that in two successive speeches from the Throne, agricultural distress had formed the theme of regret and commiseration, and unless King's Speeches were to be regarded as mere nothings, or as so many words of delusion and deception, they could not shrink from realizing those hopes which his Majesty's recognition of their claims were so calculated to excite. It was true that, in the speech of 1834, no actual promise of relief was held forth; but why have alluded at all to the distress, if not with an intention of recommending some alleviation? As to the capability of Parliament to afford relief, he thought little need be said. The means could easily be found if the inclination were not wanting. In regard to general taxation he admitted little could be done, Parliament having, during the present Session, decided that the only general tax which could affect them, he meant the Malt-tax, should not be removed; but as respected local taxation, the taxation from which the farmers principally suffered, and of the burthen of which they chiefly complained, it was possible that great and important concessions might be made. When the last Budget was produced, the then Chancellor of the Exchequer announced a surplus of 1,800,000*l.*; and it was naturally expected that something would have been done for the distressed landowners; but in the result, the surplus, with the exception of some few thousand pounds, was devoted to interests which did not require relief one-half as much as did the agriculturists. Among others the House-tax was repealed; and by its repeal a boon was given to the nobility, who did not need it, while none whatever was bestowed upon the farmer, who really required it. From what had been stated by the right hon. Baronet who had lately held the office of Prime Minister, and who was not one who was likely to raise hopes that might be disappointed, he was sure that if that right hon. Baronet had remained in office, something by this time would have been done for the effectual relief of the farmers of this country. He would now shortly allude to the means which struck him as most calculated to give a salutary assistance to the interest which he advocated. Upon the subject of county and highway rates he had no observations to make, farther than that he entirely concurred in the view taken of them by the noble Marquess. As regarded tithes, while he admitted they were a great burthen on the farmer, and while he confessed that a measure of commutation struck him as most desirable, and should always have his advocacy, he felt bound to say, he was utterly at a loss to conceive in what way the farmer would derive any pecuniary benefit from it. Neither could he see how he had been benefited with respect to Poor-rates, although the supporters of the Poor-law Bill insisted so strenuously that such would be the case. He was not so much opposed to that Bill as many with whom he generally acted; on the contrary, he thought many of its enactments were good, and that hereafter it would be found of great practical utility; but he utterly denied the assertion that its enactment gave the smallest relief to the farmer. It would require a great deal of money to bring the Bill into full operation, and the consequence would be that for some years, so far from being diminished, the Poor-rates would be considerably increased. If the Legislature proposed giving relief through the medium of a Poor-law Bill, they could only do it by making the Poor-rates a state tax instead of a parochial one. So desperate was the condition of the agriculturists, that it was, in his opinion, the duty of the House to brave all difficulties, and go to the root of the evil. It would be found that the contraction of the currency was the root of the evil. Agriculture suffered, and the system began to be felt the year preceding that when preparation was made by the Bank for the resumption of cash payments, and that system, in spite of every resistance, would have to be altered, or some measure, of some sort or other, brought forward to counteract its evil effects. Although for the last three years there had been successive good harvests, yet, considering the burden of taxation, and other disadvantages under which the farmer laboured, it was impossible for him to pay his rents.

Lord *John Russell* said, in rising to make some observations on the Motion of the noble Lord opposite, he must acquit him of having brought it forward from any party or factious motive; on the contrary, the noble Lord, in bringing forward his motions relating to the distress of the agriculturists, whoever were the Ministers in power, desired no doubt to draw from them and from the House some opinion with respect to that distress, and with respect to the burdens under which the agricultural interest laboured. Whatever else, then, he might say of the Motion of the noble Lord, or of the speech with which he prefaced it, he certainly should not impute to the noble Lord any other motive than an anxious desire to promote that cause of which he was the zealous advocate. He felt himself called on to remark that the proposition of the noble Lord avowedly fell very far short of a remedy for the distress which it was his purpose to remove. The noble Lord stated—and he would not dispute the point—that the farmers of this country were labouring under great distress, and he proposed to relieve them by the removal of local taxes; but the noble Lord did not propose, as he understood him, to carry his relief beyond the amount of the present surplus—beyond that amount which the late Chancellor of the Exchequer (Sir Robert Peel) and his right hon. Friend (Mr. S. Rice) were prepared to state was the present surplus of revenue.—[The Marquess of *Chandos* did not bind himself to that.]—As the noble Lord who made the motion, and the noble Lord who followed him, and who did not submit any distinct proposition—as neither of those noble Lords entered upon either of the two great questions, an entire commutation of taxes, or a complete alteration of the currency—he considered himself at liberty to evade those questions entirely, and to hold the discussion to be limited within the bounds of the surplus revenue, whatever the amount might be. He would, then, take into consideration the noble Lord's proposition, in connexion with the Government of Earl Grey and that which followed till the end of last Session. It would be remembered, that during Earl Grey's Administration a Committee was proposed to inquire into the distress of the agricultural interest. That Committee was very fully attended by Gentlemen connected with the landed interest of the country: his right hon. Friend the Member for Cumberland was in the Chair, and no one better adapted for that situation could be found. After several days of laborious investigation, the Committee drew up a Report, and that Report ended by declaring, that it was more to forbearance than to the active interposition of Parliament that they must look for relief of agricultural distress. The Report made another assertion, the accuracy of which no person could doubt, and which went to the very foundation of agricultural distress, namely, that while the outgoings of the farmer were considerable, and the price of his produce much diminished, the burdens, consisting of county-rates and so on, had very much increased. This undoubtedly was the case. In 1791 the general average of wheat was about 47*s.*; in the beginning of 1793 it was 41*s.* In 1833 and 1834 the prices had not been very different; and he had been informed that the present average price was below 40*s.* While the prices had come back to what they were in 1792 or 1793, the present burdens were very much more heavy and oppressive. [Instances of this were given in the Report of the Committee appointed on this subject last year, some of which the noble Lord detailed.] He would observe, with respect to the Report of the Sub-committee that was also appointed, that Report stated that the expense of the prosecutions which took place—the prosecutions being of a public nature—ought to be defrayed, at all events in part, by the public, and recommended that the expense should be the expense of the assizes, and not of the quarter sessions. To that proposition there was the objection, that such a system would hold out a direct inducement to commit prisoners to the assizes and not to the quarter sessions, although perhaps an answer to that might be, that it would be necessary and requisite to distinguish between offences. There was another question in relation to this subject of the very highest importance, upon which the recommendation of the Committee could not be adopted without the very fullest consideration—he meant the expediency of introducing a public prosecutor into all our trials. From all he himself had heard, he was inclined to think that it would much improve the practice of the law, if they adopted in some respect that practice. But still it ought not to be adopted generally and at once; it should rather be introduced gradually and partially, by way of experiment at first. But there was another reason for not adopting the conclusion of the Select Committee. In considering the proposition made by that Committee, it appeared that they might in another way give a relief greater than that which they had contemplated. For instance, that Committee proposed to relieve counties from the expenses incidental to assize prosecutions, to the amount of 67,000*l.*; from the expenses of convicts, to the amount of 15,000*l.*; and with respect to County-rates and expenses at quarter sessions, to the extent of 64,000*l.*, making in all 146,000*l.* Now the proposal which he had to make, was, to take the half of that whole sum, including the expenses of assizes and quarter-sessions, and pay one half of it out of the general revenues of the State. With regard to Gaols, that question was already before a Committee in the other House of Parliament, and would probably be made the subject of a separate bill. It was the intention of Government to propose such a Measure as would insure uniformity of discipline, and when that great object had been secured, it would be time to consider whether the expense should in part be borne by the public. Before he left the subject of County-rates and the recommendations of that Committee, of which he had the honour of being a Member, he might be permitted to mention that very great and important economical improvement which would result from the appointment of a Finance Commmittee of Magistrates in every county, by insuring a regular audit and examination of accounts, and by taking, when it is necessary, a new valuation. Of this he would only mention a single instance which had happened within his own personal knowledge, that in the county of Devon the expenses of felons and prisoners had been actually reduced three-fourths by the efficient superintendance of such a local finance Committee—a Measure which could in all cases be carried into effect by counties themselves without aid or intervention of Parliament. He had now explained the views he entertained with respect to County-rates. The local burdens which pressed peculiarly upon agriculture were divided into County-rates, Tithes, and Poor-rates. The next subject, therefore, which he should revert to was Tithe. With respect to the commutation of Tithes, it had been undoubtedly under the consideration of Government, and it had, indeed, been agreed to bring forward some measure on the subject; but great difficulty was found in making a compulsory settlement of the question, dependent as it must be upon the ratio of payment for a certain number of by-gone years. The right hon. Baronet, for the purpose of avoiding all the difficulties which enveloped the subject, proposed to introduce a Bill for the voluntary Commutation of Tithes. He had stated, when the right hon. Baronet introduced the measure, and he still was of the same opinion, that such a measure could be generally carried into effect, and especially in those places where the greatest irritation prevailed. Of the justness of that opinion, he was still firmly convinced; but, at the same time, he was perfectly satisfied to allow full opportunity for the exercise of every effort which could be made to set at rest this intricate and difficult question. If the right hon. Gentleman still wished to carry forward his plan, he should certainly give him his vote—on the principle that the measure would deserve a trial; but if he did not press forward that measure, he should propose that a Select Committee should be appointed, embracing various Members from different parts of the country, representing the various interests of those who were liable in particular districts, to the payment of tithes, for no compulsory measure could be properly and finally settled, unless it were examined by some body of men before whom the various claims and interests of the different tithe-payers were fairly heard. There was another topic to which the noble Lord adverted — Poor-rates, from the law in reference to which, that had been passed last Session, he did not seem to think much relief had been given. Now, upon that subject, he very widely differed from the noble Lord. All the information which he had received, was of precisely an opposite character and tendency. Although the Poor-law Amendment Bill was only partially in operation, and would not come into complete and general operation for some time, yet, so far as averages could be taken, there was a considerable diminution of the burden of Poor-rates, and the relief which had been afforded, was of a kind which he thought must be considered most satisfactory. He had some statements upon this subject, which had been drawn up with great attention and care, and with all the experience which the Commissioners were possessed of, which tended to show practically the working of the new Poor-law Bill. For instance, there was an average taken of 165 parishes in Berks and Sussex, in which the expense of maintaining the poor, for the year ending March, 1834, was 79,498*l.* and, during the same period, till March, 1835, the charge was only 69,433*l.*, showing a diminution of no less than one-eighth. If this great diminution could be reckoned on generally, which he thought, when the Bill, was in complete operation, might be fairly expected, there would be a saving of not less than 1,000,000*l.* to the country. His expectation was, that before long he should be able to state there had been a diminution to that amount, and in that particular direction no one could doubt it would be of the very highest value. But what was of more importance than even the amount of money saved, was the moral effect which the operation of the Bill had on the character, particularly, of the agricultural labourer. The great evil which had been fully acknowledged by all who had practically studied the question, was the vast quantity of what had been called surplus labour, which compelled the farmers to give employment to those half who were supported by the parishes, and whom they would not otherwise have employed. It had been found in many parishes, that no sooner was it proposed that those labourers should, in place of being supported by the parish, go to the workhouse, than the greater part of them immediately found employment. They had not become vagrants or lawless persons infesting the country, but were employed by the farmers, conducted themselves properly, and received increased wages. Such were the effects he had expected from the change effected in the Poor-laws; those who formerly received money for work, which to the farmers was worth absolutely nothing, many of them being men whom the farmers could not employ, were now usefully employed, the farmers finding, from the change in their character, that their labour was highly beneficial. He would give only one more instance of a parish (Bledlow, as we understood,) in the county of Bucks, with which the noble Marquess was acquainted, where by order of the Commissioners, it had been proposed that a number of paupers, then unemployed, should go to Manchester, whither they had, in fact, migrated, and were now receiving double their former wages. Twenty more were now anxious to follow their example, and the burdens of the parish had actually been reduced more than one-half. Such was the information which he had received, and which he thought the House would be glad to hear, of the working of the Poor-law Act, in its yet early stages, from which the noble Marquess seemed to expect but little relief. For his own part, he had felt that the Government of the day in introducing such a measure, were not certainly adopting so popular a course, as if they had taken off 2,000,000*l.* or 3,000,000*l.* of taxes; but ultimately, he felt persuaded, a more beneficial effect would be produced by it, than by any such reduction, while the value of labour would be materially augmented, and the condition of the peasant most extensively improved. When the hon. Member for Oldham brought forward his Motion on the subject, he should be prepared with materials to lay before the House, by which, on the evidence of the Commissioners, he should be able to show what the actual operation of the measure had been; and he believed he should then be able to establish that, so far from its being a measure, as that hon. Member chose to represent it, tending to make the independent labourer live on worse and coarser food, it was calculated, on the contrary, to raise the character and improve the wages of the labourer, making him feel the true value and importance of that independence which he had formerly, in a great degree lost, when even by the sacrifice of his independence, he obtained only the most wretched food in those pauperized districts, where he could get little or no work to perform. He believed that the consequence of the new law would be, to proportion employment to the demand for it, and make both the employed and the employers more independent, and give them a greater respect for each other. He would not go further at present into this subject, but would content himself with alluding to that other point which had been touched on by the noble Lord—the reduction of public and general taxation. It had always been his opinion, that on those local burdens, of which he had spoken, the Poor-rate, and the County-rate, the greatest impression could be made by local economical management, by wise and prudent measures introduced into Parliament. But in the present state of the country, no such reduction of general taxation could be effected, as would give the required relief to agriculture. It must be admitted, he thought, that substantial relief could not, as regarded general taxation, be afforded to agriculture;

and that being admitted, the Malt-tax not being to be repealed, and there being scarcely any other tax that could be said peculiarly to affect agriculture, he thought they would be holding out a most fallacious and delusive hope, if they pledged themselves to give their immediate attention to general taxation, as it affected agriculture, with the view to the removal of taxes from the agricultural interest. The noble Lord had proposed one or two things which certainly could not afford much substantial relief, the noble Lord's intention being rather to convince the farmer that his distress was really felt, and sympathised in, by the Legislature, encouraging him to hope and exertion, than to lighten their burdens. Now, he sympathized with the farmer most sincerely, and he could not but think that a reduction of rent would be the most effectual of all relief which could be administered to him. He very well remembered the ridicule with which the noble Marquess had assailed his noble Friend, the Chancellor of the Exchequer, (now Earl Spencer,) when proposing to repeal the tax on shepherds' dogs, and he was rather surprised at finding the noble Marquess, in his temporary character of Chancellor of the Exchequer, following the steps of his noble Friend so very closely on the present occasion, as to dwell pathetically on the grievance of a farmer's being obliged to go to market in a cart without springs, lest it should be subjected to duty, as a thing which, in its alteration, would afford any very substantial relief to agriculture. The fact was, no such custom prevailed as farmers going to market in such vehicles, and he was quite surprised at the statement of the noble Marquess. Upon a whole view of the subject, he should beg leave to move, by way of Amendment to the noble Lord's proposition, that all the words be left out after the word "that," for the purpose of inserting the following —"That this House will direct its early attention to the recommendation of the Committee which sat last Session of Parliament upon the subject of County-rates, with a view to the utmost practicable alleviation of those burdens to which the land is subject, through the pressure of Local Taxation."

Mr. *Cobbett* rose for the purpose of making some observations in consequence of what had fallen from the noble Lord (Russell) who had just addressed the House. The noble Lord had referred to the Motion of which he (Mr. Cobbett) had given notice with respect to the Poor-law Amendment Bill, with the view, no doubt, by anticipating, to prejudice that Motion and render it, if possible, abortive. And what was the information which he had submitted to the House to illustrate the operation of that measure? From whom had it been derived? Why, from the Commissioners themselves. How often had that House been deluded by the statements of Commissioners? Nothing was so absolutely monstrous as the credulity of those who always believe the Commissioners' statements, and believe nothing else. The Commissioners, he dared say, would tell them them they were doing a great deal—no doubt. What had they their salaries for? They were, in fact, pleading for their salaries, they were writing for their salaries, and they gave their evidence for the purpose of making the House and the country believe that they had earned something. He maintained that in respect of savings, never would there be so much saved except by acts of sheer cruelty as the amount of the salaries paid to the Commissioners. The report of those Commissioners in which the Bill had been introduced, was full of falsehoods from beginning to end; it had been contradicted by Magistrates, by country Gentlemen, in pamphlets and in paragraphs innumerable. No doubt the noble Lord believed in the information he had received; but with respect, for example, to the case of Sussex and Berks, where it was alleged so great a diminution had taken place, it had occurred before the Bill had been introduced at all. Why, naturally there must be a diminution in consequence of the low price of wheat; but they might depend upon it, the evidence of the Commissioners was all the way through fallacious; substantially there was not a word of truth in the Reports they made to the Government. But supposing there could be savings, would the House not listen to the means by which it had been brought about? Would they not ask how it had been effected? He would tell them. There was a union in Sussex of 36 parishes, of which the Duke of Richmond was the chairman. He held in his hand their printed bill of fare; let any Gentleman read that document. [*Cries of* "*Read, Read.*"] Let them read it themselves [*loud laughter*], and they would see how the savings were effected. This was the Duke of Richmond's bill of fare. [*Renewed cries of "Read, Read."*] Why were they so impatient? Here was an account of the food of a boy, and Gentlemen who had boys of their own, would recollect that a boy of ten years of age, would eat as much as a man.—Now in the dietary of the Duke of Richmond, a boy of ten years of age, had on Sunday 12 ounces of bread made of flour which cost 5*s.* a-bushel, half-a-pint of milk gruel, 7 ounces of rice, and another half-pint of milk gruel for supper. What was the Bill of fare for a man? [*Cries of "Read, Read."*] He had seven men at his farm-house, and there was not one of them who did not eat more substantial food for his breakfast or dinner one day than the Duke of Richmond's bill of fare allowed a man for a whole week. The noble Lord had only to submit for one week to the treatment and diet prescribed by the Duke of Richmond's bill of fare to be for ever convinced of the severity and cruelty of the Poor-law Amendment Bill. The noble Lord had stated that he (Mr. Cobbett) had represented the Poor-law Bill as tending to make the poor live on a coarser sort of food; he had never so represented it; all he had said, was, that such had been intended by those who invented it, and the Barrister who drew it up, had in his printed instructions, this passage:—"It is desirable so to frame the law as to cause the working people to live on a coarser sort of food." The noble Lord, then Chancellor of the Exchequer, denied it, but he (Mr. Cobbett) had himself seen the document; he had moved for it in the regular way; let it be produced, and the document would speak for itself. A spaniel dog should be allowed more than was by the system assigned to a man; the system was monstrous, and it ill became a noble Duke, drawing 12,000*l* a-year from the land of the country, to sanction it. Upon the other topics which had been alluded to, he should not long detain the House. He saw no prospect of relief to the farmer even from the proposition of the noble Lord. He knew too well the depth of their distress—how great, how universal it was—to entertain the hope of its being relieved by any such measures. The noble Lord was deceived as to the relative amount of what was complained of. In his own case, he paid 160*l.* rent, 28*l.* tithes, 31*l.* poor-rates, 4*l.* county-rates, 3*l.* 10*s.* road-rates, and 270*l.* wages; but a small portion of the outgoings of a farmer consisted of road and county rates, and making the farmers a present of those rates altogether, would not effectually relieve them. He acknowledged that he could not help feeling much surprise that any hon. Member should treat tithes as a burden deeply affecting the landed interest; it might be expedient to reform the Church, and to make an extensive change in the nature and administration of her revenues, but he desired to learn wherein did the burden of tithes consist? Agriculture had flourished at many periods since the general collection of tithes came to be established in this country, and if tithes were really such a burden as had been represented, that could hardly have been the case. One thing was clear,—that if they made a material change in the law as it related to tithes, the effect of it must be to place the parson in a worse or in a better condition than he was in before; the tithe-payer would either pay less to the parson or he would not; if less, the difference must be handed over to the landlord. Now, it did appear to him much better for the tithe-payer to deal with the parson than with the landlord. Something had been said about the necessity of relieving the agriculturists from the expense of maintaining the roads in a state of good and sufficient repair, and of relieving them by making the country at large defray the expense. If such a principle were adopted, the rest of the community might very well exclaim, "What! make us pay for maintaining your roads in good condition, for your profit and convenience?" In his opinion, the House might go on for ever discussing topics of this nature without arriving at any sound or practical conclusion; they might go about here and there searching for hidden causes, but he could tell the country that they overlooked, or seemed to overlook, which in effect amounted to the same thing, the real cause of all the agricultural difficulties of England,—it was neither more nor less than the change which had taken place in the value of money. Therein lay the true source of the national misfortunes. He called upon the House sincerely and earnestly to apply its mind and attention to the real remedies of which that evil admitted, and not waste its own energies and disappoint the public expectation with futile attempts to administer to a disease that admitted of only one cure. As to the Corn-law, respecting which a good deal had been said, he hesitated not to affirm that it afforded no protection whatever to the agriculturist. It was perfectly true that the effect of the Corn-law was to exclude foreign corn, but the price of corn had been sinking in England for many years past. Notwithstanding all their protections, they had not been able to keep up the price of wheat, and wide-spread distress had been the consequence. The original moving power by which that distress had been occasioned was, he contended, the well-known Currency Measure of the right hon. Baronet near him. The subject, however of the Currency was to come on next week, and considering that the proper course for him would be to reserve himself until then, he should not, on the present occasion, take up more of the time of the House in arguing the question, as to the degree in which the state of the Currency affected agricultural distress; he should merely content himself with saying that the universal cry of the farmers was, "Give us more money; we want a little more money, for there is a surplus of labour to which we cannot give employment for lack of a sufficient circulating medium." In endeavouring thus to state what were not the causes of agricultural suffering, he hoped it would never be supposed that he meant to convey that those causes were beyond the power of the House; on the contrary, he felt assured that the House ought to feel itself under a most binding obligation to take the matter in hand, for until something was done by Parliament, the condition of the farmer would remain unimproved.

Lord *George Lennox* said, that, after the unfounded attacks which had been made upon his noble relative (the Duke of Richmond) by the hon. Member for Oldham, he felt himself called on to address a few words of explanation to the House, which, he trusted, would be heard for that reason. That hon. Member had thought proper a few days back to bring forward in that House charges against his noble brother; but he (Lord George Lennox) had treated them with the contempt due to all misrepresentations and mis-statements of the kind. No sooner, howevever, did the report of the hon. Member's speech reach the county of Sussex than a meeting of the Magistrates of the union was convened, and an unanimous vote of denial of these charges was come to at once. That was the strongest refutation which they could have. while the Magistrates unanimously expressed their disgust at the allegations. But the hon. Member, notwithstanding, appeared still determined to continue his misrepresentations. With respect to the hon. Member's statement, that the Duke of Richmond was making any income out of the poor of the union of Westhampstead he most unqualifiedly denied and contradicted it. If the hon. Member chose to bring any tangible charge he (Lord George Lennox) was prepared to refute it at once; but he disbelieved everything which the hon. Member had said on the subject of his noble relative. He would put the character of his noble Brother and that of the hon. Member for Oldham in competition—no, he would not do that. But if any hon. Gentleman chose to do so, he was confident of the result; it would be soon seen which came out of the scrape best. As to what the hon. Member had called "the Duke of Richmond's bill of fare for the poor," he could only say that the sneer was not merited, as the regulations contained in that document were framed with a view to the interests of the pauper as well as the rate-payer. He had nothing further to add to what he had so imperfectly said in defence of his noble relative, except to implore the House not to take for granted anything whatever which fell from the hon. Member when the character of his noble Brother or that of other individuals of rank and station was involved.

Mr. *Cobbett* could assure the noble Lord and the House, that he did not know that any one in the House could possibly be offended by his observations. But he was perfectly ready to re-state and prove every word which he had uttered on the subject.

Lord W. Lennox and Mr. Clay rose together. The former was loudly called on by the House, even after the Speaker had decided in favour of the latter.

Mr. *Clay* said, that the hon. Member for Oldham had treated with the utmost disdain all those modes of relieving agricultural distress which had been suggested in the course of the Debate; and ascribed its cause to the passing, and its only remedy to the repeal, of the Bill of the right hon. Baronet, the Member for Tamworth, for the regulation of the Currency. How far he was justified in that sweeping denunciation and broad assertion he should proceed to examine. If the hon. Member's position were the true one, it was very singular that wheat only should be affected by the change in the monetary system of the country. There were other commodities equally the produce of agriculture, the price of which was not in the slightest degree affected, except for the better. He should, however, upon a future occasion, have another opportunity of stating the causes of the distress, and the mode of relieving it. On that occasion he trusted that he should have the noble Lord upon his side, although he was willing to allow that those who differed from the noble Lord could not have a more courteous, a more kind, a more candid, or a more honourable adversary. He would now wish to briefly confine himself strictly to the relief to which the agriculturists laid claim as a matter of right. The noble Marquess had attributed the distresses of the agriculturists in the last year to the large importation of foreign corn, when, in fact, there had been no importations of wheat into England, except from Ireland, and he did not imagine that the noble Marquess would call that a foreign importation. The noble Marquess had next alluded to the importation of foreign barley, but how could the noble Marquess reconcile to his theory the fact, that while the price of wheat was low, that of barley was high? The noble Marquess had suggested, that Government should be prepared to buy up the corn of the British corn-growers, and to keep it from, or to pour it into the market, according to the current prices; but the noble Marquess did not perceive that this would put a stop to that spirit of speculation and of competition upon which the interests of all markets, and of the public at large, were known to depend. He was of opinion that the agriculturists were entitled to relief only where they were taxed beyond a fair proportion as part of the community. The agriculturists, however, possessed the advantages of a monopoly for their produce, and he trusted that if the noble Marquess did obtain for them the relief he sought, he would be prepared to give up the monopoly of the Corn-laws; for to retain both, would be manifestly unjust. He felt as much as any man for the distress of the agriculturists, but, as he saw no way of relieving them, he should give his vote for the Amendment.

Mr. *Benett* wished only to correct the errors of the hon. Member for the Tower Hamlets with respect to the relative prices of wheat and barley. He believed that no person in England was ignorant of the causes of the difference except the hon. Member himself. The difference in the price of wheat or barley arose entirely from the badness of the crop of barley; and if the hon. Member would only look back to the market prices, he would find that barley, two years ago, had been as low as it had been for twenty years. Another cause of the high price of the barley was the Repeal of the Beer-tax, and in the next year, the price of barley would again bear its price proportionate to that of wheat. For his part, he thought it of very little importance whether the House adopted the original Motion or the Amendment. The only difference between them was, that the original Motion alluded to relief to be derived from a reduction of general taxation, and the Amendment related to local taxation. If the Amendment precluded any man from hereafter voting for any repeal of general taxation, he would not vote for it; but it would not have such an effect. He agreed with Lord Western, who had laid it down that the causes of agricultural distress, and the sources of relief must be sought for in the Currency Question. He would not at present enter into any question relative to a silver standard or a gold standard, but convinced he was, that relief to the agriculturists in one way or the other, was to be sought for only in an alteration of the currency laws. He thought that the Poor-laws ought to be under the control of the Government, with a view to their being ultimately thrown upon the general resources of the country. Formerly, when land was the sole support of the labourers, land bore the sole weight of the Poor-laws, but now that there existed such mercantile and manufacturing property, this ought to bear its share of Poor-rates.

Lord *Arthur Lennox* addressed the House. He begged the right hon. Baronet (Sir Robert Peel who had risen to speak) pardon for standing even for a moment between him and the House; but a necessity had been imposed upon him of saying one word in reply to what had fallen from the hon. Member for Oldham, and he only rejoiced that the precedence which had been given to other hon. Members, had prevented his addressing the House at the first moment, when his feelings had been under considerable excitement. He owed no such apology to the hon. Member for Oldham; but he did owe a great deal of deference to the decency that ought to be observed by every hon. Member to the Chair, and to the House itself. He had only risen to say, that the hon. Member for Oldham had totally misunderstood all that had fallen from his hon. relative, the Member for Sussex. The hon. Member for Sussex had said, that the charges which had been brought against his noble brother (the Duke of Richmond) had been totally disproved; and he (Lord Arthur Lennox) would give the most positive, unequivocal, and unqualified contradiction to the charges, and, as strongly as Parliamentary language would permit, to the hon. Member for Oldham. The son of the hon. Member for Oldham had been a candidate to represent the city of Chichester, and whether his defeat was the source of the calumnies vented by the hon. Member for Oldham against his noble brother, the Duke of Richmond, he would not pretend to say; but he would say, that when he recollected the late contest, and reflected upon the perfect and gentlemanly manners which the son had evinced throughout the whole of it, it was scarcely possible for him to believe that he was any relation to the father.

Mr. *Cobbett* had derived his information from Mr. James Gray, of Chichester, who had said that he was able and willing to substantiate every word of it against the Duke of Richmond.

Sir *Robert Peel* could not regret that he had given the noble Lord an opportunity of venting his feelings, which were very natural, and reflected honour upon him. He was perfectly convinced that the hon. Member for Oldham must have laboured under some misapprehension of what he had heard with respect to the noble Duke alluded to, and the motives by which he was actuated; for he (Sir R. Peel) felt himself bound to say that the extensive experience which he had had of the noble Duke in his Parliamentary career had completely satisfied him that his character was of that nature that the imputation which had been cast upon it must be totally unfounded. The noble Duke might differ from the hon. Member for Oldham with respect to the policy of the Poor-laws, but as to the motives of the difference the noble Duke was above all suspicion. He would, however, proceed to the question that was before the House, and he was sorry to say that many subjects had been introduced into it which, although bearing on the condition of the poor (and, if the question was upon the general state of the agriculturists, proper to be introduced) yet could not, when their importance was considered, with any advantage to the Question under debate, be introduced into a desultory discussion. The most prominent of these irrelative topics was the operation of the Poor-laws and the probable effects of the Poor-law Amendment Act of last Session. Another of the topics that had been introduced was the state of the currency, another was the Commutation of Tithes; each had been interwoven with the state of agricultural distress—each was a subject in itself of immense importance, and requiring a separate discussion, and no advantage could arise to any one of them in having it mixed up with the Question now before the House. With reference to the Currency Question, it was admitted on all sides that the subject was one of immense importance, and that it ought to be the object of a separate discussion, and accordingly notice had been given of a distinct and regular Motion upon the question of the currency. He hoped that whatever hon. Member brought the subject forward for discussion would at the same time bring forward his plan for relieving the country from the evils that were said to arise from the law as it then stood. That House had heard many declamations on the evil state of the currency. One hon. Member had said, "something must be done on the subject." Then came some other hon. Member, and said, "the matter never can be allowed to rest where it was." Now he hoped that all such Gentlemen would in future go one step further, and at once tell the House what specific alterations they would wish to have introduced. Would these hon. Members propose to introduce a paper currency, an unlimitted paper currency, not convertible into gold? Would they, on the other hand, wish to introduce a debasement of the standard? Would they wish to propose a re-adjustment of contracts? And if they did, then would he ask, of what contracts? Of contracts made within what periods? These were the matters which hon. Members ought fairly to bring forward, nor ought they to discuss the evils arising from the alteration of the currency without, at the same time, discussing the different measures of relief. The hon. Member for Oldham had that night stood forward as the advocate of the agricultural interests. In that, at least, the hon. Member was consistent, for, throughout all his life he had supported the same cause. But how did he purpose to benefit the cause? He had looked back into the paper of notices of motions, and he there found that the hon. Member for Oldham had a Motion on the books no longer ago than last July, the principle of which was that they do what they like with the currency, but the whole charge of the national debt ought to be transferred to the land. Yes, the hon. Member for Oldham had said, that personal property was subject to very unfair burthens in being subject to the interest of the national debt; and his relief from this evil was, to subject land to the exclusive burthen. With respect to the Poor-laws Amendment Act, he had gone into that question when the Bill was before the House, and he had voted for the Bill. He had never expected that the new system would be carried into effect without exciting local dissatisfaction, but he was bound to say that the dissatisfaction which had been excited had been much less than he had anticipated, and at all events it had not been sufficient to convince him of the impolicy of that important measure. Another question was the Commutation of Tithes. He trusted the noble Lord would not persevere in his intention to transfer the question to a Committee. He would most undoubtedly prefer that the noble Lord should take time, and let the Executive Government consider it. Whether any of the three plans that had been proposed were to be pursued; whether the principles of the Bill introduced in 1833; whether Lord Althorp's plan of having the tithes converted into rents applicable to certain districts; or whether the House were to proceed upon the principle of a voluntary commutation, the plan which he had proposed, he would rather that the noble Lord opposite should say that the Executive Government was determined to apply its mind to the measure than that it should be transferred to a Select Committee. He hoped that the noble Lord would think the subject deserved to occupy the attention of Government, for Government had more means of inquiry into it than a Committee, and he was convinced whatever measure might be proposed, that ought to be proposed on the responsibility of Government. He would now come to the object of his noble Friend's Motion. His noble Friend proposed that the House should agree to address the Crown to direct his Majesty's Ministers to consider the state of the agricultural interests, with reference to a view to its relief from general and from local taxation. With respect to general taxation, he could not but observe that the House was discussing the question at a time at which, if no change had been effected in the financial prospects of the country, they had a surplus revenue so very small that no reduction of taxation could be ventured upon without causing more injury than benefit, and in the situation in which he stood he could not excite hopes in the agricultural interests which, as a Minister of the Crown, he should never have thought of realizing. As Chancellor of the Exchequer, when he had anticipated that what was called the Budget of the year would have to be proposed to the House by himself, he had assumed that the net available surplus, after providing for all that was chargeable for the debt and for the public services, which the general interests of the country compelled a Minister to attend to, would be only 250,000*l*. Under such circumstances, then, he could not now be a party to a resolution which would lead the agriculturists to believe that he contemplated any great reduction in the burthens of the country. He should always hold the opinions which he ever had held as to the great advantages of strictly maintaining public credit. A greater ultimate chance of relief would exist from the maintenance of public credit by looking to a legitimate means of reducing the interest of the public debt than by acting precipitately, and by relieving public burthens at the expense of endangering public credit. He believed that it would not be easy for any man to point out any one particular tax that fell exclusively upon the agriculturists. If the exception were the Malt-tax he must say that in the course of that Session he had thought it his duty to dissent from the proposition to reduce that tax. He would for a moment suppose that there existed a greater surplus of revenue over expenditure than was contemplated, then, he asked, what tax ought he to remove? He need not discuss the amount of the surplus; but, supposing it to be of an amount that would authorize Government to contemplate a greater reduction of taxes than was intended—supposing that Government intended to make a greater reduction of taxes than the existing surplus of 250,000*l.*, and trust to a chance improvement of the revenue to fill up any deficiency—still should he find it difficult to select a tax to reduce or take off which fell exclusively on the landed interests. If it were conceded that a certain tax fell exclusively on the landed interests, still he should require time to consider whether he should benefit the landed interest more by taking off that direct tax than by removing some other that pressed injuriously, though indirectly, upon productive industry. He was not prepared to say, that there was not a tax or taxes in the whole system of taxation the diminution of which might not benefit the landed interests, and he should take an opportunity of throwing this out for the consideration of the right hon. Gentleman opposite (the Chancellor of the Exchequer). He would advise the right hon. Gentleman to consider the operation of the auction duty. Whether there would be a surplus revenue sufficient to enable the right hon. Gentleman to make any reduction of that duty he could not say, but he was sure that the landed interests would derive great benefit from such a measure, nor could the revenue suffer much, for little of the auction duty was derived from the sale of landed estates, as it was the practice, in order to avoid the duty, to put up lands to sale by auction merely in order to ascertain their value, and afterwards to dispose of them by private contract. He would likewise advise the right hon. Gentleman to take into consideration the state of the Land-tax, with a view to making changes in the collecting of it. Then would come the question on the increase of the duty on spirit licences. He believed that the effect of the duty had been unjust in the extreme. This duty, as it then stood, had been imposed very late in the last session, when the parties interested in it had not had an opportunity of presenting their remonstrances against it. The tax upon the manufacture of glass he considered as peculiarly deserving of a favourable consideration; and there were many other taxes which he thought were also worthy of the attention of the Government, with a view to reduce them with as little delay as the state of the finances of the country would permit. He entertained very strong doubts if a substantial relief afforded to those interests would not aid the landed interests more than any direct removal of agricultural duties. Under all the considerations in which he viewed this question, he confessed he did not feel justified in exciting expectations in the agricultural body, which he feared it would not be possible safely to realize. The last part of the subject to which he should refer was the local taxation. This, certainly, did bear heavily on the landed interests. At the same time that he was willing to afford every practical relief, he did not consider it fair to excite in the minds of the landed interest any expectation that there was likely to be any material alleviation of their burdens. He looked upon it that a greater relief would be derived from a new valuation than from any transfer of taxation. The chief objection to a new valuation was the expense that it was supposed would attend it, which had been stated as high as forty or fifty thousand pounds for some counties; but in the county of Lancaster, where the expense was likely to be greater than in other counties, on account of the number of large towns, the valuation had been conducted with perfect satisfaction to all interests, and at a comparative small expense. The operation was simple and appeared to have been conducted without exciting any great dissatisfaction, or leading to many appeals; so that in two counties,—one, most important for its manufactures—the other, for its agricultural produce—a new apportionment of the public burdens, in this particular, was made without dissatisfaction. He would, therefore, advise those interested in the county expenditure, to weigh maturely the evidence which had been given upon this subject—to ascertain whether such new valuation could be made through local means—and, if not, if it should be necessary to obtain an Act of Parliament for such a purpose, whether it might not be expedient to take that course, the object being to provide a new valuation of lands, with a view to ensure a more equal apportionment of the rates levied upon them, than was now made. The relief he should have proposed to extend to agriculture, in the course of the present Session, had he remained in office, would have been of very material benefit to it. He should have proposed to exempt the land altogether from the burden of the Church-rates; for it appeared to him that, though land might be a proper subject of contribution, yet that the same circumstance which, as he apprehended, made the County-rate and the Poor-rate fall with greater severity on the land than applied to the case of Church-rates, also —namely, that personal property did not contribute its fair proportion to this tax. The amount of the Church-rate, as calculated by Lord Althorp, was 550,000*l.* Now, if the land were relieved of 300,000*l.* of this amount, by doing away with charges which ought never to have been borne by the Church-rate, and if the remaining 250,000*l.* were transferred to the revenue of the country, there would be a relief to agriculture of not less than 550,000*l.* on account of the Church-rate; a relief, however, not exclusively to the land, but shared by all property now subject to the Church-rate; because some proportion of the 550,000*l.* was raised upon houses and other property, as well as the land. The noble Lord had alluded to the recommendation of the Committee as respected local taxation for bridges, roads, and other local improvements. There was a difficulty, he apprehended, in transferring from the County-rates any charges connected with the ordinary public local interests. He would not advise, for example, that charges for bridges, for roads, for the maintenance of the poor, or for any of those objects which might be better administered under local supervision, should be paid out of any other funds; for he thought, even apart from any considerations of public economy, that it would be wrong to transfer such supervision from the hands of county magistrates and gentlemen, who, being directly interested in these services, were more likely than other officers to carry them into complete effect. There ought to be limits assigned to the system of centralization. It was very well to say that Government would employ men of high reputation, who would do the several descriptions of work at a less expense; but he believed that the ultimate effect of these central boards would be to withdraw the local expenditure from the honest supervision of the local authorities, to the great disadvantage of the public; and that the country would be thus involved in great additional expense for the management of local affairs. But there was one purpose to which local taxation was now applied which stood distinct from all the rest, and one which might be undertaken by the Government to the profit of the whole community—he meant the administration of the criminal justice of the country. The noble Lord truly stated, that it was proposed by the Committee of last year, to relieve the County-rates from the charges on account of criminal trials at the assizes; and to leave them subject only to the charges for criminal trials at the quarter sessions. But the noble Lord added—and justly—that there would be great caution required in the adoption of such a measure, in order to prevent the county magistrates (who, of course, would be interested in diminishing the local expenditure) from transferring a more than due share of this expense from the county funds, by making committals for trial at the assizes, which ought properly to take place at the quarter-sessions. In order to remedy this the noble Lord proposed to take the aggregate of the expense of the two descriptions of trial and make a division of it so that one moiety shall be borne by the county and the other by the public. But, considering that the whole cost of trials at the quarter sessions did not amount to more than 78,000*l.* he trusted that the noble Lord would conclude with him, that it was better to make no distinction between the two items, but to transfer the whole expense of the administration of criminal justice to the public. That expense would amount to not more than 150,000*l.* in the aggregate a-year; and this expense should be kept down by introducing every economical arrangement possible, consistently with the exigencies of justice, such as in the allowance to witnesses, and the number of counsel to be employed; and by placing the whole system upon one intelligible plan. It was extremely difficult to draw a line between cases which properly belonged to the assizes, or properly belonging to quarter-sessions. The principle was the same, however, as to such arrangements, with regard to both; and he believed there would be a greater inducement to economy by taking the whole of the charge upon the state, than if they left one part of it to be defrayed by the state, and another by the county. The removal of offenders, after conviction, certainly could be conducted at a less expense by these means, and thus the county would be relieved of a considerable burden, without subjecting the public to an equivalent charge. Government would act, in short, as to these matters, upon a combined plan; whereas each county adopted a different course—one conveying them by boats, and another by public carriages, to the annoyance of all other passengers. He was sure that any one who had happened to share a coach with convicts under sentence would be ready to agree with him, that this practice ought to be done away with. By contracting, upon a large scale, this business of conveyance would not only be conducted at a less expense, but such a scandal as that would be altogether avoided. The motives of economy and discipline, as well as the proper enforcement of the law should operate with the Government to induce them to adopt this course of proceeding. He was inclined strongly to advise that the whole of the charges connected with the Administration of criminal justice, should be undertaken by the Government, not merely with a view to relieve the county of its local expenditure on that account, but with a view of giving Government the whole control of it. There was, at present, no part of our judicial system over which the Government had so little, and ought to have so strict a control. It would be better to make a gradual trial of this plan, in order that the Government might feel its way before finally embarking upon it. There were more powerful reasons for its adoption than the prospect of relieving the country from the charge. It would have a tendency to prevent compromises on the part of the prosecutors, as well as frivolous and vexatious prosecutions. This, therefore, was the extent of the remission of taxation he was disposed to advise. It was one which, he must admit, if carried into effect, would have exceeded the amount of the surplus of the year's revenue; but he considered that some of the other taxes might have been increased, without at all endangering the public confidence, if this experiment had been carried into effect. These were the general views on which he was disposed to act. The Resolution of the noble Lord did not, he observed, point to any particular amount of reduction. It left that matter still open for consideration; but it distinctly encouraged the hope that it was the intention of the House, when called on to discuss the subject of local taxation, to give every practical relief that could be afforded to the landed interest consistent with the maintenance of public credit. If his noble Friend would take his advice, he should be satisfied to obtain, on the part of his Majesty's Ministers, an admission of the general principle—without pressing the matter of his Resolution to a division. His noble Friend had better let the Chancellor of the Exchequer state, officially, what the amount of the available surplus was, and what proposition he had to make unconnected with general taxation, and then submit a specific motion with respect to local expenditure, reserving to himself the right of afterwards pressing the remission of any particular tax. If his noble Friend did not take that course—he, for one, was bound to say that he could not acquiesce in the Motion,—thinking it open to the objection of exciting too great hopes on the part of the agricultural interests. He sympathized with their distresses as deeply as any man, but he was not willing to aggravate them—as they would be aggravated—by the excitement of hopes which could not be realized consistently with the maintenance of the public credit.

The *Chancellor of the Exchequer* rejected altogether, the prophecies of the hon. Member for Oldham, because, although in some respects that hon. Member might have proved himself to be a true prophet, in others he had demonstrated himself to be one of the most delusive seers that ever ventured to utter a prediction. He could not forget a threat which was held out, some years ago, by a certain great public writer—that, upon the coming to pass of a certain contingency, which he specifically described, the Ministers of the day were to be sacrificed upon the gridiron—that elegant culinary utensil with which the hon. Member appeared to be so pleased, that in the failure of his own prediction, he selected it for the instrument of his own voluntary martyrdom. Knowing as he did, that the contingency had happened which the hypothesis anticipated, and that the sacrifice which was to follow had not taken place, he could not help rejecting all the other prophecies of the hon. Member as equally vain and false. But, to proceed to the immediate Question before the House, he wished, in the first instance, to assure the noble Marquess (Chandos) that the present motion was not necessary to induce his Majesty's Government to come forward with some measure for the relief of the agricultural body. The Committee on whose Report the House was called upon to proceed, was appointed, he believed, by his noble Friend, (Earl Spencer) and the Members of his Majesty's present Government. He gave his entire assent to the Report, and he begged leave to assure the noble Marquess Chandos, that whether the present Motion had been made or not, his Majesty's present Government was fully prepared to have introduced some measure of agricultural relief to the consideration of Parliament. The right hon. Baronet (Sir R. Peel) had spoken of an existing surplus revenue; but the right hon. Baronet had assumed this surplus without anticipating the possible course of future debates. He must be aware that there was a large Question now pending with regard to Danish claims; and one, also, involving the interests of many merchants of the city of Dublin, who claimed to be remunerated for losses they had sustained through the fire of the Custom-House of that city. He received with great respect and thankfulness, the suggestions which the right hon. Gentleman had thrown out; and certainly, in principle, he entirely agreed with the right hon. Gentleman. He agreed—that if it were possible, to dispense with those portions of the auction-duty which pressed heavily upon the sale of land, it would be a considerable relief to the landed interests; and he agreed with him, perhaps still more cordially, that if some modification or alteration were to take place in the duty upon glass, there was scarcely any matter connected with fiscal considerations, to which the attention of Government could be directed, with more beneficial and practical results. But, in approaching this subject, he could not think that the agriculturists were entitled to say, that justice had not hitherto been fully done to them, in what had already been effected with reference to their claims. The noble Lord and the right hon. Gentleman had both stated that there was a difficulty, perhaps, in determining what it was in the way of relief, which should next be done. The hon. Member for Oldham said, that neither the removal of the tithe, nor the reduction of the Poor-rate, would be any substantial relief; and he believed it would be heard with feelings of great despondency by the agricultural interests, that the removal of the Corn Bill, and the alteration of the Currency were the only expedients which in his opinion, could be suggested. Those persons he must remark, did not do justice to Parliament who said that no relief had hitherto been given to the agricultural interests. It was difficult to obtain the attention of the House to a mere recital of facts, especially after the excitement of such speeches as they had heard; but if the House would indulge him, he would remind them of a few of the measures which had been of late years passed for the benefit of agriculture. Taking all the taxes which had been reduced since the war, he believed the balance of reduction would be found to have been in favour of the agriculturists. The total relief, granted to them since that period, amounted to 8,356,000*l.* If any one would take the trouble to analyze the financial Return which had been made during the last five years, he would find agriculture had obtained its full portion of relief during that interval. Since the termination of the war the actual amount of relief to the agriculturists in matters of excise alone amounted to 7,384,000*l.* The amount of relief given in customs was undoubtedly small, not exceeding 6,000*l.* or 7,000*l.*; but the relief in the assessed taxes amounted to 935,000*l.*, and in stamp-duties to 29,000*l.*, making a total relief of 8,356,000*l.* of taxes bearing upon agriculture since the commencement of the peace in 1815. It had been said in the course of the debate, that the proposition brought forward by his noble Friend was not calculated to satisfy the agriculturists themselves. To what extent then were taxes to be reduced? would they reduce the duties on tax-carts, the grievance which had so long existed? were they to discuss whether the farmer shall travel with or without springs to his cart, in reference to a branch of taxation which was no real grievance? Supposing that every tax which was thought to press particularly upon the agriculturists were removed to-morrow, in what condition would they find themselves when they came to discuss the question of the Corn-laws? Hitherto, in debating that question, the chief argument upon which they had relied had been the particular duties and taxes which pressed exclusively upon them. Should the agriculturists succeed in their present views therefore, they would deprive themselves of their own great argument whenever the question of the Corn-laws should come to be discussed. The noble Marquess (Chandos) had spoken of foreign competition as one of the great evils with which the agriculturist had to contend, and he complained of the importation of butter in particular; but did not the noble Lord recollect that there was a duty of 20*s.* per cwt. upon foreign butter, and that there was also a high duty upon cheese and upon seeds? He would just read to the noble Lord a list of the taxes which were imposed for the protection of agriculture. Upon bacon there was a tax, per cwt. of 1*l.* 8*s.*; bark, per ton, 13*s.* 4*d.*; beer, per 32 gallons, 2*l.* 13*s.* 4*d.*; butter, per cwt. 1*l.*; cider, per tun, 21*l.* 10*s.*; cheese, per cwt., 10*s.* 6*d.*; hay, per load, 1*l.* 4*s.*; hides, per cwt., 2*s.* 4*d.*; hops, per cwt., 8*l.* 11*s.*, madder, per cwt., 1*s.* 6*d.*; mules and asses, 10*s.* 6*d.*; horses, 1*l.*; oil, rape and linseed, per tun, 39*l.* 18*s.*; peas, per bushel, 7*s.* 6*d.*; perry, per tun, 22*l.* 13*s.* 8*d.*; potatos, per cwt., 2*s.*; seeds, clover, hay, &c. 1*l.*; spirits, foreign, per gallon, 1*l.* 2*s.* 6*d.*; rum, per gallon, 9*s.* 6*d.*; tallow, per cwt., 3*s.* 2*d.*; tares, per quarter, 10*s.* Did those statements show that the laws were indifferent to the protection of the agricultural interests? Whether the list of duties he had just read had been wisely imposed or not he should not then stop to inquire—he had merely alluded to them to show that the agriculturists had not been so much neglected as the noble Lord seemed to suppose. If the whole taxation of the country were taken together, he believed it would be found that the agriculturists bore a smaller proportion of it than any other class of persons in the kingdom. During the reign of William 3rd, the total revenue of the country amounted to 48,000,000*l.*, out of which 29,000,000*l.* was borne by the general taxation of the country, and 19,000,000*l.* by the land-tax. In the reign of Queen Anne the total amount of the revenue was 62,518,000*l.*, out of which 21,285,000*l.* only was exclusively borne by the land-tax. In the reign of George 1st. the total amount of the revenue was 76,968,000*l.*, out of which 18,470,000*l.* only was borne by the land-tax. In the reign of George 2nd, the total revenue was 216,015,000*l.* out of which only 49,000,000*l.* was borne by the land-tax. Thus it would be seen, that at the accession of George 3rd, the burden borne by the agriculturist was far less in proportion to the general amount of taxation than it had been during any of the anterior reigns since the time of the Revolution, so if the landed interest estimated its present contributions it would find them much less in proportion even than they were in the reign of George 3rd, He agreed with the right hon. Baronet (Sir R. Peel), that it might be well for the Government to undertake the expense of the criminal prosecutions throughout the country; but it would be better to take off half at present, rather than at once throw the entire burden on the country, whatever might ultimately appear to be the duty of the Legislature. It would be necessary, in the first instance, to have the assistance of those who had been long connected with the administration of justice in different parts of the kingdom, and not make at once an entire change in the whole system. If they acted in this manner for one year, possibly it might appear advisable to propose a plan to Parliament in the next, by which Government might take the whole of the expense upon itself. The right hon. Gentleman knew by the result of the experiment that had been made in Ireland, that there was great difficulty experienced in checking the expenses attendant upon trials; but it was not so much a question of amount, as one of principle, that he regarded it. Such an important step as this should be taken cautiously—and it would be much easier for Parliament to decide upon the case, after considering the effect of remitting half of these charges to the country, than by commencing with the remission of the whole. With respect to the charge for the conveyance of prisoners, the view taken by the right hon. Baronet was undoubtedly the correct one. He only regretted that it had not been carried into effect before, because all business of that description, and the duty of defraying the expenses, undoubtedly belonged to the Government, and not to the county wherein sentence was pronounced. As to the other reports which had been alluded to, there was only one remaining to which he should think it necessary to refer; and that was the recommendation that the House of Commons should be at the expense of all Parliamentary Returns. If that recommendation be adopted, he would take upon self to say that there was no return which, in future, would not be made the subject of a money speculation. If they allowed the Clerk of the Peace to refuse to execute the Order of the House, unless the payment be attached, it would give rise to an appearance of disrespect, and for the first time introduce a new principle—before quite unknown—into the management of this department of the public business. He did not see how the noble Marquess, after all that had been said, could with a due regard to the end which he himself had in view, do otherwise than acquiesce in a compromise which would lead to the attainment of his object, by first producing a conformity of opinion. The noble Marquess having put himself forward as the advocate of the interests of the farmers, must be desirous of producing unanimity between all parties, in order that all might concur in devising the best mode of relieving their distresses. The noble Lord had proposed the relief of the farmers from some of the assessed taxes. With respect to the small amount of Window-tax to which the farmer still remained liable, he felt it would be impossible to comply with the noble Lord's suggestion. The farmers, as he had already shown, had received an immense relief from the repeal of assessed taxes. With what justice, then, could they claim a complete exemption from the Window-tax, unless the Government were prepared to extend a similar exemption to all classes? There were in Great Britain 2,846,179 inhabited houses, out of which 377,000 were charged to the Window-tax—of these only a small proportion were occupied by agriculturists and upon those occupied by agriculturists, the tax was already very considerably reduced. To carry the reduction further, without extending it to all classes, would only be to increase in a tenfold degree, the breach which already existed between the agricultural and commercial and manufacturing classes of the community. But although he differed from the noble Lord upon that point, he begged to assure the noble Lord, and to assure the House, that no exertion would be omitted on the part of the present Government to afford every possible practical relief to the agricultural interest. Acting in that spirit it would be their endeavour to carry the recommendations of the Committee of last year into effect to the utmost possible extent. One portion of the recommendations of that Committee was, that a Commission should at once be appointed for the purpose of inquiring into the expense of prosecutions and also of the expense of fees to counsel, county officers, &c. That Commission was appointed by the Government of Lord Melbourne upon the termination of the last Parliament—it was now carrying on its inquiries, and ere long its report would be laid before the House; then, and not till then, would the House be in possession of the information necessary to enable it to form a correct judgment upon the question. He objected generally to the motion of the noble Lord, inasmuch as that it was premature. He was prepared to acquiesce in it as far as it was distinct and intelligible; but he objected to it as far as it was indefinite and unintelligible; Let the noble Lord come forward with his proposition on the subject of horses employed by the agriculturists, and he should be prepared to meet him, but he felt that he could not meet him upon an indefinite motion of the description then before the House. Above all, he would not join with the noble Lord in an Address to the Crown upon the Report, because such a course of proceeding would favour the presumption that it required an interposition either on the part of the Monarch or of the House itself to dispose the Government to adopt any measures which were really calculated to relieve the agriculturist. Whilst, therefore, he saw every reason to adhere to the Report of the Committee of last year, he saw no reason whatever to induce him to acquiesce in an undefined Resolution which might pledge the finance of the country to concessions which it might not afterwards have the power of making. Upon these grounds he should decidedly oppose the Motion, and he thought the noble Lord would much more consult the interest of the agricultural classes of the country by adopting the Amendment that had been moved, than by persevering in his own Resolution.

Sir *Charles Burrell* was understood to

observe, that the desire which had been expressed by the right hon. Gentleman, the Chancellor of the Exchequer, to afford assistance to the agriculturists of this country, was an admission that that class of the industrious population of this country did labour under the pressure of great and grievous distress, which justified them in their endeavours to obtain relief. He trusted the noble Lord opposite did not rely upon the operation of the Poor Law Amendment Act as the means of providing employment for the unemployed agricultural population, for he was satisfied that unless that measure underwent considerable alterations, so as to enable parishes to counteract the obstinacy of one or two individuals, it would entirely fail in its object in this respect. His sincere opinion was, that the evil consisted in the currency system of the country, which if not altered in some safe and considerate manner, would, in the end, not only be destructive to the landed interests of the country, but also to the fundholders themselves.

Colonel *Sibthorp* trusted the noble Lord, the Member for the county of Buckingham, who had again attempted to break the ice which had so long been frozen over the agricultural interests of the country, would at least take the sense of the House upon the present occasion. The Motion of the noble Lord had only been met by promises of the Chancellor of the Exchequer, that if he waited till "to-morrow and to-morrow," important measures would be brought forward. Notwithstanding these promises only two measures had been announced, or were known to the House as intended to be dealt with during the present Session; he alluded to the Irish Tithe Bill and the measure of Municipal Reform. He agreed in the opinion expressed by the hon. Member for Oldham, that unless something was speedily done for the agriculturist, a convulsion must be the result, and he was satisfied that the relief most worthy of consideration, as best calculated to save the agricultural interest, was the introduction of a silver standard of currency.

Mr. *O'Connell* said [*amidst cries of "Question"*] that those hon. Gentlemen who cried out "Question," were totally ignorant of two facts:—first, that there was such a place as Ireland; and secondly, that agricultural distress was as great, if not greater, in that country than it was in England. There was not a word said about the agricultural distress of the Irish, and among all the schemes proposed for relief, there was not one mentioned that was applicable to his countrymen. They had been during the debate totally forgotten. The gallant officer, who had just spoken, had made use of many metaphors, and spoke of certain remedies. The remedy proposed by the noble Lord was only like paring or clipping the thorn in the field. One remedy, the only sure one, was passed over—namely, one that would have the effect of mitigating the horrors of the Gold Currency Bill. If no one else would, he would put in his claim for that scheme, which was better than all the other schemes he had heard that night proposed. He had risen merely to remind the House that Irish agricultural distress was totally forgotten by them, and that it was infinitely as great, if not greater, than it was in England.

The Marquess of *Chandos*, in reply, said that he had not hoped to please both parties by his Motion. It was his duty to bring forward the Question that night, and he would take another opportunity of having it discussed again. Every Motion on agricultural distress was met by arguing that it was impolitic to grant it, or that the remedy required would be inefficacious. When he had brought forward a Motion for the Repeal of the Malt-tax, he was met exactly in the same way. When he brought forward this Question last year it was lost by a majority of only 16; and he was then told by Ministers, and by some of those who voted with him, that it would not be efficacious at all. When the repeal of the Window-tax was mooted, they were told that a partial repeal of it would do no good —that the whole of it must be taken off. The taking off the House-tax was, however, conceded by the Government, and he knew for what reason it was conceded. If the farmers followed the bad example of those who clamoured for the Repeal of the House-duty they would also be relieved. He hoped, nay he was sure, that the farmers of England would not follow that bad example. They would not employ means of intimidation or resistance, but they would come year after year and lay their grievances before that House; and he was sure that in the end that House would do them justice. Whatever might be the vote of that night, he felt that in bringing forward the present Motion he was but discharging his duty to the country and to his constituents. The right hon. Gentleman the Chancellor of the Exchequer said that evening, that as long as the present Corn-laws existed, the present Motion would not cause relief to the farmer of such magnitude or extent as he (the Marquess of Chandos) expected from it. Whenever a specific motion for the relief of the agriculturists was brought forward, it was met with what amounted almost to a decided negative. The Motion for a Repeal of the Malt-tax was treated just in the same way as the present one. He begged to ask the right hon. Gentleman opposite (the Chancellor of the Exchequer) in what shape did he propose to grant relief to the farmer? From what he had seen, the intentions of the right hon. Gentleman would not go half so far to relieve the farmer as the measures projected by the late Chancellor of the Exchequer. When the Budget was brought forward, if this Question should be again mooted, it would be met with the objection that it was an attempt to alter all the financial arrangements of the Government. In fact, all motions of the present nature were dealt with in the same way. A Motion like that before the House was lost last year by a majority of sixteen, and he feared that he would have now voting against him some of those who then supported him. He regretted to see on the part of Government, so little attention paid to the wants of the farmers. Conscious that he had, to the best of his ability, discharged his duty towards the country and his constituents, he would for the present say no more, but simply leave the Question in the hands of the House.

The House divided on the original Question: Ayes 150; Noes 211: Majority 61.

List of the AYES.

Alsager, Richard
Archdall, M.
Astley, Sir Jacob, Bt.
Attwood, Thomas
Bagot, Hon. W.
Baillie, Col. H.
Barnard, Edward G.
Barneby, John
Bateson, Sir R.
Beauclerk, Major
Bell, Matthew
Benett, J.
Bethell, R.
Blackburne, J. J.
Blackstone, W. S.
Borthwick, Peter
Branston, T. W.
Brownrigg, J. S.
Brudenell, Lord
Buller, Sir J. B.
Burrell, Sir C. M.
Burton, Henry
Campbell, Sir H. P.
Carruthers, D.
Chichester, A.
Clayton, Sir W.
Clive, Hon. R. H.
Cobbett, W.
Codrington, C. W.
Cole, Viscount
Compton, H. C.
Corbett, T. G.
Crawley, Samuel
Crewe, Sir G.
Cripps, J.
Curteis, Herbert B.
Curteis, Edward B.
Dalbiac, Sir C.
Dare, R. W. H.
Duffield, T.
Dugdale, W.
Duncombe, Hon. W.
Duncombe, Hon. A.
Dundas, R. A.
Eastnor, Viscount
Edwards, Colonel
Elley, Sir J.
Elwes, J.
Fector, J. M.
Feilden, W.
Ferguson, G.
Fleming, J.
Foley, E. T.
Folkes, Sir W. J. H. B.
Forester, Hon. G. C. W.
Fremantle, Sir T. F.
Gaskell, J. Milnes
Geary, Sir W. R. P.
Gore, W. O.
Greisley, Sir R.
Greville, Sir C. J.
Grimston, Viscount
Grimston, Hon. E. H.
Halford, H.
Halse, J.
Hamilton, Lord C.
Hanmer, Sir J.
Hanmer, H.
Handley, Henry
Hayes, Sir E. S.
Heathcote, G. J.
Henniker, Lord
Hill, Sir R.
Hodges, Thomas Law
Hope, Hon. J.
Hoskins, Kedgwin
Hotham, Lord
Houldsworth, T.
Irton, S.
Jones, W.
Kelly, F.
Kerrison, Sir E.
Knatchbull, Sir E.
Lefroy, A.
Lennard, Thomas B.
Lewis, David
Lowther, Hon. H. C.
Mandeville, Viscount
Manners, Lord R.
Mathew, Captain
Maxwell, H.
Miles, W.
Mordaunt, Sir J
Morgan, C. M. R.
Neeld, Joseph
Norreys, Lord
Ossulston, Lord
Palmer, R.
Parker, M. N.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Pollen, Sir J.
Pollington, Viscount
Poulter, John Sayer
Praed, J. B.
Pringle, A.
Pryse, Pryse
Pusey, P.
Richards, J.
Rickford, W.
Rooper, J. Bonfoy
Rushbrooke, R
Sanderson, R.
Scourfield, W. H.
Shaw, Rt. Hon. F.
Sheldon, E. R. C.
Sibthorpe, Colonel
Simeon, Sir R. G. Bart.
Smith, A.
Smyth, Sir G. H.
Spooner, R.
Spry, S.
Stanley, Lord
Stewart, J.
Surrey, Earl of
Talbot, C. R. M.
Thomas, Colonel
Townley, R. G.
Trelawney, Sir W. L.
Trevor, Hon. G. R.
Trevor, Hon. Arthur
Tyrell, Sir J. T.
Vere, Sir C. B.
Verney, Sir H.
Vernon, G. H.
Vivian, J. E.
Walpole, Lord
Walter, John
Welby, G. E.
Whitmore, T. C.
Wilkins, W.
Williams, Robert
Williams, Sir J.
Wilmot, Sir J. E Bt.
Wilson, Henry
Wodehouse, Hon. E.
Yorke, E. T.
Young, Sir W. L.
Young, G. F.

TELLERS.

Chandos, Marquess of
Darlington, Earl of

PAIRED OFF.

Baring, H. B.
Caley, E. S.
Egerton, Sir P. de M.
Sinclair, G.
Twiss, H.
Vaughan, Sir R. W.

The Amendment was agreed to.

HOUSE OF LORDS,

Tuesday, *May* 26, 1835.

Minutes.] Petitions presented. By the Earl of Tankerville, from the Landowners and Agriculturists of Gendale Ward, and by Earl Brownlow, from those of Boston, for Relief, particularly from Local Taxation.—By Lord Ravensworth, from Chester-le-Street, for Protection to the Established Church.—By the Bishop of London and a Noble Peer, from two Places,—for the Better Observance of the Sabbath.—By the Earl of Rosebery, from Lochwinnoch, against, and by the Duke of Buccleugh and Marquess of Bute, from several Places, —in favour of the Grant for Building Additional Churches in Scotland.—By Lord Brougham, from Individuals at Bath, for the Repeal of the Stamp Duty on Newspapers.

University Declaration.] The Earl of *Radnor* wished to ask the noble Duke opposite whether what he had seen in the public papers was correct, as to the rejection of the proposal of a new and amended form of declaration on the admission of members to the University? If the statement was correct, he begged to give notice, that, as the University had refused, of its own accord, to amend the form of the declaration, he should, before the Session passed over, introduce a measure for effecting that change.

The Duke of *Wellington* could not say exactly what statement had been made in the public prints, but it was true that such a proposal as that referred to by the noble Earl had been made, and it was equally true that that proposal had been rejected.

Public Instruction—(Ireland).] Viscount *Duncannon* presented a Petition from Mr. Gibson Craig and Mr. William Newport, Commissioners of Instruction in Ireland, against the charges which had been made against them six weeks ago, in the statement made by a right reverend Prelate (the Bishop of Exeter) as to the nature of some imputations contained in a petition that he intended to present. In presenting this petition from these gentlemen, he should state the situation in which they were now placed, and the situation in which they had been placed when they went to make the inquiries under the Commission. On the 7th of April the right reverend prelate had entered on the books a notice for the 10th of that month, which, at his request, the right reverend Prelate had postponed to the 13th, to enable him to make inquiries into the matter. Upon that day the right reverend Prelate stated, that, as there was no responsible Minister of the Crown present, he should further postpone the presenting of the petition till after the holidays. The notice intimated that it was a petition from the incumbent of a parish in the county of Mayo, complaining of the unfair and partial conduct of the two gentlemen referred to in the discharge of their duties as Commissioners under the Commission relating to public instruction in Ireland. He need not state, that there could not well be a heavier charge against any men; and the two Commissioners in question had been detained here in the full expectation that immediately after the recess the right reverend Prelate would present the petition. As, however, the right reverend Prelate, in answer to a question put to him within these few days on the subject, had said, that he would use his own discretion as to the time at which he should present the petition, they had thought it right to apply to their Lordships, and to state how they were circumstanced with reference to the individual whose petition the right reverend Prelate had undertaken to present. When the Commission was first sent to Ireland, the Commissioners sent round to all the parishes in Ireland certain queries on the subject of the Commission; and though all the answers were not perfectly satisfactory, yet in every case the Commissioners had received written answers, except in the case of the individual in question, and he had thought fit to print his answer, and to circulate the answer as printed. He did not consider, therefore, that that individual could complain if the answers thus printed were now read to their lordships. He should read some of them, as their Lordships would then perceive the sort of temper with which he was likely to meet the Commissioners when they appeared in his parish. The first question was,—whether the number of Protestants in the parish had increased or diminished, or remained stationary, and if increased or diminished, then to what extent. The answer printed and circulated in the country was—

> "Has the number of Protestants been stationary, increasing, or diminishing, within the last five years; and, if increasing or diminishing, to what extent, and what has occasioned such increase or diminution?—A. The number is increasing yearly, and would be greater than the Church would hold, only for Popish persecution. The parish priest preaches in his chapel the destruction of those

who read the Bible, by pitchforks bogholes, and paving-stones, and is not ashamed to avow it on oath before the magistrates of the country. Protestants are threatened to be murdered, violently assaulted, and beaten, and their property destroyed; their remains torn from the grave; husbands taught to beat their wives, and wives to abandon their husbands and children, to force them to leave their church and go to mass.

"What number of clergymen of the Roman Catholic Church belong to, or officiate in, the parish?—Two priests say mass on Sundays, and preach the above doctrines. One in the country drinks whiskey, expels devils, and reads a gospel for sick beasts.

"What number of places of worship belonging to Roman Catholics are there in the parish?—There are two mass-houses, out of one of which the King's troops had to fly from the seditious harangues of the priest, and in which the people are instructed in the art of defrauding and evading the payment of their legal debts, and abusing and murdering those in the Protestant clergyman's employment by 'walloping them with sticks.' Such is the Christian and pious instruction publicly given by the priest in the Roman Catholic place of worship.

"How often in each week or month, or on what days, is divine service performed therein respectively?—It is a horrid abuse of language to call the worship of wooden crosses, pictures, relics, and wafers, divine service.

"What is the average number of persons usually attending divine service in each of such places of Roman Catholic worship at each time of the celebration of divine service therein?—I do not know. I do not go there. If the priest is asked, he will not give too low a return.

"Are there any places of worship belonging to other Protestant Dissenters in this parish?—There is no Protestant Dissenting house of worship in the parish, though some popularity-loving, pro-Popery conciliators might wish to have such.

"Are there any, and how many, schools in the parish?—There are three daily Scripture schools and one Sunday school. There are some Popish schools instituted by the priest, in connexion with the new Education Commission, at whose board Satan sits shearing God's Word of its glorious truths.

"Of the children so attending at each such school, what is the number of Protestants of the Established Church, and what the number of Roman Catholics, and of Presbyterians, or other Protestant Dissenters respectively?—Most of the Protestant children of the parish attend the Sunday and daily schools. The Roman Catholic children would, and frequently did, attend, but the priest, who has fixed his residence close to the parochial school-house, persecutes them, hunts, stones, cudgels, cuffs, horsewhips, curses, calls out in the chapel, and tyrannizes over the unhappy victims of his fell superstition, so that they are forced to stay away from the Scripture-school, contrary to the wishes of both parents and children. The lash of the driver's whip was never more terrific to a West-Indian slave than the priest's whip and curse to a poor Irish peasant; the desolating slave system carried on in Africa is liberty itself when compared to the horrid tyranny of Irish priests, and the interminable sufferings they inflict. Some of the poor children are robbed of their books, some welted with horsewhips, some forced to run into the rivers, others confined to sick beds for weeks, from the brutal treatment they receive; some children may be seen going a great distance out of the way to avoid the infuriated priest and his cruel whip.

"What kind of instruction is afforded therein to the boys and girls respectively?—The instruction given in the Popish schools of this parish is still worse. Idolatry, rejection of the second commandment, praying to the Virgin Mary, image and saint worship, hatred to Protestants, hunting Scripture readers with pitchforks, and stones, and shouting after them, for the young cock always crows like the old one.

"What are the funds or sources, and the annual amount thereof, from which each school is respectively supported?—The Protestant parochial Scripture schools are supported by funds bequeathed by an incumbent of the parish, and by the contributions of Christians, who in this day of rebuke are zealous for the word of God. The Popish national schools are upheld and supported by a Government whose authorized formalities declare the Romish mass to be "a blasphemous fable and dangerous deceit;' thus helping to build up the superstition denounced as contrary to God's truth by the law of the realm, and supporting nurseries for rebellion, sedition, and treason. 'Wo unto them that call evil good, and good evil; that put darkness for light, and light for darkness; that put bitter for sweet, and sweet for bitter.'

"Has the number of children attending such school, or schools, respectively been increasing, &c.? The last question needs no reply; the above answers will do for most of the parishes in Ireland, with the exception of the numbers, *ex uno disce omnes.* The persecuting character of the priest Hughes, of Newport, is a faithful picture of Popish priests in general; the sufferings to which Protestants are exposed are nearly alike everywhere, and the abominations and wickedness of Popery unchanged and unchangeable."

The Commissioners after these answers had been received had visited this parish. He was sorry to trouble their Lordships with what had occurred, but as one or two circumstances had happened of a particular nature, it was absolutely necessary to bring them under their Lordships consideration. The following statement was made by the Commissioners.

"The first discussion arose as to the attendance at Church. The rev. Mr. Stoney stated upon this subject, that the attendance would be much larger were it not for the intimidation and persecution of the Protestants. The Commissioners earnestly requested Mr. Stoney to refrain from such observations, as their inquiry was restricted to statistical facts, and did not enter into the causes from which they proceeded. Upon asking for the roll of the school, the Rev. Mr. Stoney wished that the names of the scholars should not be made public, as the priest had used a horsewhip and thrown stones at the children to drive them away.—The Commissioners deprecated these remarks and with difficulty succeeded in inducing Mr. Stoney to discontinue them, informing him that they were subjects upon which they could make no report, which were quite foreign to the nature of the inquiry, and which only tended to produce bad feeling and irritation among the people by whom the Court was crowded. On proceeding in this inquiry with respect to the school, the Rev. Mr. Hughes, P.P., expressed a suspicion of the accuracy of the master's statement of the number on the list. The Commissioners stopped this—swore the master to the facts—stated they would pursue the same course as to all the masters—and would suffer no further interruption. Third the Rev. Mr. Stoney having tendered an original census of Members of the Established Church, the Commissioners explained to him that they could receive no census which was not laid open to public inspection. Mr. Stoney then desired to withdraw it, as it contained the name of every member of each family in the parish, thereby laying them open to persecution. The Rev. Mr. Stoney persisted, and withdrew to prepare another census. Upon Mr. Stoney's return he produced this census, which was accordingly left open for public inspection while the Commissioners were examining some of the schoolmasters. After some time the Commissioners inquired if there were any objections to the census being received. The Rev. Mr. Hughes P.P., stated that he had many. After several had been discussed, during which much altercation had arisen, producing obviously much excitement and angry feeling in the Court, a question arose as to the religion of a woman named Gordon. The Rev. Mr. Hughes, parish priest, stated upon oath that he had received her into the Roman Catholic Church, and administered the sacrament to her. The Rev. Mr. Stoney stated that he had always attended her, and knew her to be a Protestant. Upon being asked by the Commissioners whether she had been recently at church, or that she had communicated there, he said 'She is afraid to go to church; she would be murdered;' and persisted in statements of a similar nature, notwithstanding the remonstrances and entreaty of the Commissioners.—The Reverend Mr. Wilson, rector of Achill, who had been curate of Borrishoone for ten years, and still resident in it, here rose, and protested against this being received as a fair representation of the state of the parish, saying, 'I have lived in this parish many years, and would walk through it at any hour of the day or night, with no other weapon than the cane I hold in my hand. Connell O'Donnell, Esq., and Captain Stewart, magistrates of the neighbourhood, and Protestants, residing in the parish, rose and made similar observations. The Rev. Mr. Stoney said, 'I would answer for it I am in danger of my life.' After vainly endeavouring to stop these intemperate statements, which were still further exciting the people around, several of whom had broken in upon the business with irritating observations, the Commissioners repeated a warning several times before given, that the first person again interrupting the business in such a manner should be turned out of Court. The Rev. Mr. Hughes then said, that the conduct and language of Mr. Stoney were so calculated to destroy the good will and unanimity which ought to prevail in a parish, and to produce such bad effects upon the people present, that he preferred withdrawing all objections, and allowing the census to be received as it stood. The Commissioners asked 'How shall we decide as to Mrs. Gordon?' (the objection as to her not having been determined) a person at the far end of the room called out, 'She declared herself a Protestant to me very lately.' The Commissioners requested him to come forward for the purpose of receiving his evidence The Commissioners, however, having found that Mrs. Gordon lived in the village, to prevent further discussion, directed the enumerator (a highly respectable man, and a Protestant) to inquire of herself how she chose to be classed in the census, begging her at the same time not to make any declaration on the subject unless inclined to do so. While the enumerator was leaving the Court a person in the crowd called out, 'She dare not make the declaration for fear of persecution.' The Commissioner directed the person who made the observation to leave the Court, which he immediately did. The rev. Mr. Stoney then said to the Commissioners, 'You have turned the honestest man in the Court out of it. The Commissioners stated that they did not know who made the irritating observation, but whoever it might have been, after the repeated warnings they had given, they would have pursued the same course. [The body of the Court house was much crowded, and nearly dark at the time, and the individual stood among the crowd.] The Rev. Mr. Stoney remained a few minutes longer, then rose and said, 'As you have turned the honestest man in the Court out of it (my Protestant parishioner) this is no place for me to remain; —you may turn me out if you like;' and then left the Court. The Rev. Mr. Hughes then withdrew his objection to Mrs. Gordon. On the return of the enumerator, the Commissioners directed him not to state the answer from Mrs. Gordon. After receiving the Rev. Mr. Stoney's census, on the oath of his enumerator, the Commissioners stated that the business was concluded, when Connell O'Donnell, Esq. rose and said, 'He wished to bear testimony to the honesty and general respectability of the person (Mr. Hamilton) who had been turned out of Court; but he must say that it was not to throw the slightest imputation on the Commissioners, for they could have pursued no other course.

When the business was concluded, Mr. Stoney put in a protest against the proceedings, saying that as that person Mr. Hamilton had been turned out of the room, he had no witness on his side, and would not acknowledge that the census was a fair one. Mr. Stoney could have no doubt however, about the census, because it appeared that, as he made it out, so the Commissioners in the end accepted it.—According to that census the number of Protestants was 497; Catholics, 12,135; and Presbyterians, 2. The protest mentioned was in these terms, as he begged their Lordships to remember the animus displayed by Mr. Stoney, which must convince them that if he could have said any thing worse of the Commissioners he would not have failed to have done so.

"TO THE COMMISSIONERS."

"SIR—You have rejected the honest evidence of Mr. David Hamilton, an upright Protestant—you have turned him, being my witness, out of the Court-house, when he came forward to bear testimony in favour of my Protestant parishioner. As the rector of this parish, I protest against your proceedings, as not being conducted with impartiality — as grossly and unwarrantably tyrannical in respect of Hamilton, and as calculated, by courting popery and depressing protestantism, to destroy the lives and religion of the members of the Protestant faith.

"W. B. STONEY, Rector of Borrishoone."

This was the only parish in which any complaint was now made of the conduct of the Commissioners. Out of 2,700 parishes which had been visited, five complaints only, with the exception of the present, had been made against the Commissioners; the first was by a noble Lord whom he believed he now saw opposite, and four others by Protestant clergymen; but he believed that in every one instance upon explanation of the matter it was considered satisfactory and the complaint withdrawn. He should not now take advantage of the opportunity afforded him of expressing his opinion of the proceedings of the Rev. Gentleman whose petition was yet to be brought forward by the right reverend Prelate. What he wished to do now was, to bring under the consideration of their Lordships the situation of the two gentlemen who were attacked by Mr. Stoney. He had mixed up this case with the 2,700 other parishes, and declared that all had been unjustly treated. It was against that which the Commissioners protested. They had been sent to perform an arduous duty; they knew what opposition they should meet with from various gentlemen, and they had not been mistaken. They were called on to answer these charges, and only knew from the protest what those charges were.—They stated that they were ready to answer any charge which might be brought against them, that they would furnish all the means in their power to make the investigation complete, and that they were certain that several Protestant clergymen and magistrates would bear favourable witness to their conduct. But they insisted on not having their case mixed up with others, and prayed their Lordships to confine any inquiry they might institute to the charge made by Mr. Stoney. That individual might, if he had thought proper, have put the complaint into the hands of his own diocesan, who had been in the House in the early part of the Session; but instead of doing that, he had sent the petition to an English prelate, who could not possibly know anything of the man, of his character, or of the circumstances of the affair; and therefore it was, that they called on their Lordships to compel Mr. Stoney to make good the charge while they were remaining in this country so as to give them the opportunity of refuting it, or else to take steps to relieve them from the charge. He was sure that their Lordships would consider this charge of partial conduct as one of the heaviest and severest that could be made against gentlemen in the situation of these two Commissioners, and that they would agree with him and these gentlemen, that they ought to have the earliest opportunity afforded them of relieving themselves from it. The petition of these gentlemen, which was to this effect, he now moved might be read.

The petition was read.

The Bishop of *Exeter* said, that it was not his intention to follow the noble Lord into the details which he, in his discretion had thought fit to introduce respecting the conduct of Mr. Stoney, Mr. Hughes, or Mr. Craig. He should therefore confine himself to the reasons that had influenced him in his own conduct. He wished to set the noble Lord right with respect to the terms of the notice he had given, and which the noble Lord had referred to. He had no doubt that the terms were such as the noble Lord stated, but they were not so printed in the usual papers that were delivered to their Lordships; for he had said nothing whatever in his notice as to charging the Commissioners with the persecution of the clergy. He did state that the petition he intended to present, charged the Commissioners with unfair and with partial conduct; and also that the clergy prayed for protection from the persecution they suffered; but the suffering against which they prayed protection did not proceed from the Commissioners—it proceeded from other parties in Ireland. The noble Lord had said that it was an extraordinary circumstance that the petitioner had not placed his petition in the hands of his own diocesan, but had transmitted it to an English Bishop, who was not acquainted with the character of the man, or the circumstances of the neighbourhood in which he lived. On that point he could only say, that that diocesan had not been in England since the beginning of the Session, when he took the oaths and his seat. He himself had written to the Archbishop of Tuam, who was the diocesan of the rev. gentleman, and he had received in return a most handsome letter of thanks from that most rev. Prelate, for having undertaken the protection of one of the clergymen of the diocese, a gentleman whom the diocesan thought to have been most grossly persecuted, and whose statement might, in his opinion, be assumed for truth. The noble Viscount had remarked on the number of weeks that had elapsed since the first notice had been given of his presenting the petition of Mr. Stoney. That delay had been a matter of regret with him; but what had prevented him from presenting it? Their Lordships would recollect the remarkable fact, that one of the Commissioners (Mr. Gibson Craig) had not his name on the copy of the Commission which was laid on the Table of the House, and which professed to give the names of the Commissioners appointed. He felt, therefore, that he had no right to complain in the petition of the conduct of a Commissioner who, for all the House knew was no Commissioner at all. He waited till there should be a complete copy of the Commission. The motion for that purpose was made when there was not a responsible Government. That being the case, he was again obliged to wait till after the recess. In the vacation, he received a letter from the noble Viscount, stating that the Commissioners in question had written to him, requesting to be informed of the nature of the charge contained in the petition, and the noble Viscount said that he applied, that he (the Bishop of Exeter) might state generally the grounds on which he charged the Commissioners with partiality, so that they might be enabled to send him statements in answer to the charge. These gentlemen had not given him (the Bishop of Exeter) notice that they should be in London, and the communication requesting that he would enable the noble Viscount to inform them how they might meet the case of the petition, naturally led him to suppose that they were still in Ireland prosecuting their inquiries. Immediately after the vacation, he attended in the House, and on being asked by the noble Lord, when he should present the petition of Mr. Stoney, he said, that he should wait for the Report of the Commissioners, as he understood that it would soon be presented, and that if the facts stated in the petition were worthy of their attention at all, they would be peculiarly worthy of attention in connexion with the Report of the Commissioners. The noble Lord had again questioned him the other night, on the same subject, when he gave him a similar answer; and it would perhaps, be no violation of confidence for him to state, that as the noble Lord passed him, on going out of the House, he said, "The consequence must be that these gentlemen must remain in town three weeks longer." A fortnight from that time had now elapsed, and therefore he determined to wait one week longer, as he supposed from the observation of the noble Lord, that the Report would be presented within three weeks from the time of that observation being made. The Commission appointing Mr. Craig had only been put into their Lordships' hands this Morning. He should be ashamed to take advantage of any casual circumstance of want of due form in a matter of this kind, but that to which he was about to call their Lordships' attention, was certainly most remarkable. A month ago, the Commissioner's name was not in the Commission. He had received a copy of a paper, which was directed to Mr. Stoney, desiring that he would attend the Commissioner. That paper was dated at a time previous to the inquiry being made. At that time Mr. Craig's name was not in the Commission, but even if it had been, he had no right to make such an inquiry on his own authority alone; for the Commission directed that the powers conferred by it, should be exercised by two or more Commissioners. Their Lordships would now consider the paper that had been delivered to them this morning. This was not the paper he had moved for, nor that which the noble Lord had promised he would lay on the Table. The paper purported to be a Commission appointing additional Commissioners. It was not a Commission—it was a mere warrant for a Commission. Whether it had been executed or not he could not say, but it was most strange that when the importance of the Commission and the terms of the Commission had been so much adverted to, and when he wanted to see whether the gentleman in question was in fact a Commissioner, such a paper as this should be laid before them. But still it was said to be a Commission. Supposing that to be the case, then let them see what it was that the Commissioners called upon their Lordships to do; they called upon the House not to draw any general conclusion from what was alleged to have happened in a particular parish. He (the Bishop of Exeter) must say, that the Report would have the effect attributed to it, in the particular parish in question; and that being the case, he thought it was not more than reasonable, supposing that there was a ground of complaint against the conduct of the Commissioners in one case, that the House should wait to see the Report, which attested that one case amongst many others, before any petition upon the subject was brought forward. He was quite sure that Mr. Stoney would bring forward, and would be able to substantiate, his case, whenever their Lordships should please to give him the opportunity of doing so; and unless he (the Bishop of Exeter) felt satisfied upon that point—unless he were convinced that Mr. Stoney would at any time, be prepared to establish the whole of what he had advanced upon the subject, he (the Bishop of Exeter) would be the last person to bring forward his petition. When he was told that he ought not to act upon a mere suggestion of his own mind, he begged to say that their Lordships would find him most ready to comply with their wishes, whenever they were expressed; but, in the mean time, he must be allowed to act according to the dictates of his own judgment, and to adopt that course, which, in his opinion, he deemed to be the most correct and most proper. There might have been, and he concluded there had been, a Commission executed, but upon that point their Lordships, of course, could, at the present moment, know nothing. Under such circumstances, and considering that they had only a week to wait, before the Report of the Commissioners of Public Instruction would be laid upon the Table of their Lordships' House, he thought he should be exercising his discretion very unreasonably if he were to thrust forward the petition, before the receipt of the Report of the Commissioners of Public Instruction.

Lord *Brougham* did not intend to detain their Lordships for more than a very few minutes; but as he was answerable for the issuing of the Commission in question, he naturally felt himself called upon to offer a few observations in reply to what had fallen from the right reverend Prelate. Upon the subject matter of the present petition he apprehended there could be but one opinion; though he did not blame his hon. Friend, Mr. Gisbson Craig, or the other Gentleman who had joined in the petition, for presenting such a petition, because smarting as they were under the supposition that imputations had been cast upon them which they felt and knew to be unfounded, it was only natural that they should hasten to that House to defend themselves. He did not blame his hon. Friend, therefore, for preparing such a petition, nor did he blame the right reverend Prelate, because, acting upon his discretion, he had postponed presenting the petition with which he was charged. The only misfortune was the form of the notice; and when he said he did not blame the right reverend Prelate for not presenting the petition, he must also state that he did not blame his worthy Friend, the Clerk at the Table, for the form of the notice. It had suggested itself to the right rev. Prelate's mind, that there must be something discrepant between the words read by the noble Viscount and the terms of the notice. Since the right reverend Prelate had made that remark, a comparison had been instituted between the notice which the noble Viscount had read and the printed order of the day, and the two documents so compared turned out to be to a letter, not to a word or a syllable, but to a letter, a transcript the one of the other. This, therefore, acquitted of all blame on the one hand his noble Friend the noble Viscount, and on the other hand it acquitted also of all blame whoever it might be that furnished the copy from which his noble Friend read. But then it might be said that another party remained to be acquitted, and that that could only be done by making another comparison. It might be said, that although what had been read that evening tallied distinctly and exactly with what had been printed that morning, nevertheless what was printed was not an accurate transcript of what was given in by the right reverend Prelate. That of course rendered a further inquiry necessary, and that further inquiry had accordingly been instituted; and he (Lord Brougham), by a happy accident, held in his hand the original paper given in by the right reverend Prelate himself. Now, nothing could be so satisfactory in the proceedings of any court—and in the case of their Lordships, who constituted the highest court in the kingdom, it was of course the more necessary—as that they should proceed strictly step by step in the investigation of any case brought before them, never taking written evidence when they could obtain *viva voce* evidence, nor receiving copies when they could obtain the original. It must be highly satisfactory to their Lordships to learn that they could proceed strictly according to that course on the present occasion. He would first call their Lordships' attention to the order of the day, which stood in these terms:—"Notice: To present on Thursday next a petition of the reverend B. Stoney, incumbent of Borrishoone, in the county of Mayo, complaining of the unfair and partial conduct of certain of the Commissioners of the Commission of Public Instruction, and of the persecution carrying on in Ireland against the clergy." That he understood to be exactly what was read by his noble Friend. ["*No, no!*"] Well, then, they would carry the comparison a little further; but do not let noble Lords cheer before they came to the point, because he had seen such lamentable disappointments arise out of a too precipitate expression of approbation, as to induce him to regard it as a thing generally to be avoided, especially on so serious a topic as the persecution of Protestants in Ireland. He would now put all three of the documents before them—the notice as it stood upon the orders of the day, the transcript of the notice read by his noble Friend the noble Viscount, and the original notice given by the right reverend Prelate. He could not, of course, read all three of them at once, but if any noble Lord who had learnt reading and writing would follow him as he read, it would at once be seen whether he were reading correctly or not. [Here the noble and learned Lord again read a notice, which was expressed in the following words:—"Complaining of the unfair and partial conduct of certain of the Commissioners of the Commission of Public Instruction, and of the persecution carrying on in Ireland against the clergy and others of the Church of England and Ireland."] That was what his noble Friend read. He would now read what the right reverend Prelate wrote, or rather what he gave in. [Here the noble and learned Lord read the paper.] Why there was not the difference of a single letter. The two papers were precisely the same; and now he came to the copy, which, he must say, was made with a degree of accuracy for which he should always laud the Clerk at the Table, for not only was it verbally the same as the notice given by the right reverend Prelate, but it was literally the same; for in the copy the letter P was retained as representing the word "parish," in precisely the same manner as it had come from the right reverend Prelate's own pen. [Here the noble and learned Lord read the copy, which appeared to be exactly in the same words as the notice which he had previously read.] There could be no doubt then but that the notices were all correct; yet he had certainly understood the right reverend Prelate to doubt the accuracy of that read by the noble Viscount.

The Bishop of *Exeter* begged to be permitted to interrupt the noble and learned Lord, for the purpose of explaining. He understood the noble Viscount—perhaps it might have arisen from the defect of his hearing—but he certainly understood the noble Viscount to speak of the notice as if it related to the presentation of a petition complaining of the Commissioners for persecuting the clergy; whereas, in point of fact, the notice which he (the Bishop of Exeter) had given, alluded generally to persecution going on in Ireland, and not to any particular persecution originating with any particular Commissioner.

Lord *Brougham* had been showing that the words read by his noble Friend at the commencement of the evening, corresponded exactly with the notice given in by the right reverend Prelate; but now the right reverend Prelate got up and said, that what he complained of was, not any inaccuracy in the notice, but the misconstruction which the noble Viscount had put upon that notice. But that would not tally with the argument of the right reverend Prelate, because his argument had nothing to do with any connexion or any discrepancy between what the noble Viscount had said, and what existed in point of fact. His argument in the first instance had nothing to do with the speech of the noble Viscount. It referred only to the notice. The right reverend Prelate had said, that he naturally concluded that the notice read by the noble Viscount was not the accurate notice, because he had received the print, in which no such allegation was to be found; for, if it had, it must have caught his eye; and, in that case, what did the right reverend Prelate say that he would have done? He did not say that he would go to the noble Viscount (how could he? he was not endued with that second sight which would give him a knowledge of what the noble Viscount was likely to say on this present Tuesday evening)—no, no, he said, not that he would go to the noble Viscount, but that he would apply on the subject to the Clerk at the Table. What, he would ask, had the conduct of the Clerk to do with a speech made by the Lord Privy Seal? This house, composed as it was judicially, would, no doubt, deal justice to both sides, and therefore, as twenty throats had been raised against him for correcting a misrepresentation, he concluded twenty throats at least would be joined in the cry of "order" when the right reverend Prelate interrupted him, not for being guilty of an interruption, but for looking as if he had been going to interrupt. He (Lord Brougham) had not interrupted, but had merely moved to prevent the right reverend Prelate from rushing ruinously to his own undoing, while the right reverend Prelate had not merely interrupted, but had insinuated a small speech in the middle of his observations. Leaving these comments, into which he had been drawn, he would now come to the important matter before the House—he meant the prayer of this petition. In the first place, however, he acquitted the right reverend Prelate of all blame in not presenting the petition according to his notice, the alteration of which was unfortunate. He agreed in thinking that it was extremely natural that these petitioners should wish to vindicate themselves, but at the same time it was for the right reverend Prelate to judge and to use his own discretion when and in what way he would present any petition that might be entrusted to him. He should think it exceedingly odd if any noble Friend of his should call upon him and say, "You have received a certain petition, and I insist on your presenting it." He should to such a request respond, that as to the course he should pursue he should use his own discretion. In like manner he totally differed from his noble Friend who had presented the petition now under consideration, if his noble Friend seriously entertained an idea that the House would accede to the prayer of the petition. That petition he had never seen before, but if he had been consulted upon it, he should never have advised such a prayer as that with which it terminated. What did it call upon the House to do? Why, it called upon the House to compel Mr. Stoney to instruct the right reverend Prelate to bring forward charges contained in the petition with which he was intrusted, but which he had not in his discretion yet thought fit to present. The House had no power, still less had it the right, to call upon any individual to bring forward charges against another. He was, however, willing to regard this petition now before the House as presented, not for the purpose of obtaining the grant of its prayer, but as a vehicle of defence to the petitioners. Admitting this, he would ask, had they then or had they not, completely defended their course of conduct? The right reverend Prelate had asked him the question whether the document which had been laid upon the table was a Commission. He knew not with what organs of vision the right reverend Prelate regarded it, but he possessed no organ that enabled him to see the difference between this document and the Commission itself. The only way of getting at a copy of any Commission was by obtaining a copy of the warrant upon which that Commission issued; it was impossible to get at the Commission itself, because it was not filed of record,—correspondence might be obtained because the originals were copied,—the proceedings in courts of law might be furnished, because they were filed as records, but Commissions could not be obtained because from their nature they issued forth, and, as in this case, might be in Ireland in the custody of one or more of the Commissioners, or in the hands of their Clerk or Secretary. The Commission, therefore, the House could not have, but their Lordships had before them the warrant; they had the constat of the Commission, which contained all that the Commission itself would express. The warrant stated that, "whereas letters patent had issued to certain persons, constituting them Commissioners, and that whereas it had been deemed expedient to increase their number, know ye, we have revoked, and by these presents do revoke, the said recited letters patent." The warrant then proceeded to reconstitute the former Commission with the increased number of Commissioners. The warrant then set forth all the instructions, clauses, and articles contained in the former Commission, authorized any one or more Commissioners to act, and concluded by the appointment of Matthew Barrington, Esq., to be their Secretary, for all of which "this shall be your warrant." The warrant, therefore, was a complete copy of the Commission, with the exception of the command or canon of the King at the commencement, and its direction to "his Majesty's Attorney or Solicitor-General," both of which are omitted from the Commission itself. The warrant thus prepared was, in practice, transmitted from the Secretary of State's office to the Law-officers of the Crown, who reported upon it—the Commission then passed to the Privy Seal, and lastly to the Great Seal, and eventually issued in precisely the terms of the warrant, with the exception of the two omissions he had already mentioned. The authority of the Commissioners to act was then fully established, and he for one was prepared to state, that he thought these two hon. Gentlemen had fully met every charge, so far as they knew—every charge of which they had ever heard, and had completely vindicated themselves not merely by a general denial of the charges, but what was more, by stating that which did not take place, as well as that which actually did occur. Could any man doubt that they had a perfect right to turn out Mr. Hamilton, after repeated notices that every man who interrupted the proceedings should be turned out of the Court-house? There was nothing extraordinary or singular in such a notice; he had often seen it enforced at Public Boards, in Committees, and at Commissions, and in Courts of Justice; if any man interrupted the proceedings, be he Protestant or be he Roman Catholic, he might be turned out. It happened, in this instance, that it was a Protestant who began this interruption, and to him the terms of the oft-repeated notice were extended. With respect to Mr. Stoney he wished to say nothing that could reflect upon the character of that Gentleman, after the high testimony which had been borne to it. The House had been told, on the authority of the Archbishop of Tuam, that Mr. Stoney was not a Gentleman who would tell an untruth. He would take leave (with the greatest respect to the Archbishop of Tuam) to observe that it was one thing to say that a man was very respectable and would not tell an untruth, and a very different thing to declare, "I would believe every word he states." It was one thing to take a statement of facts occurring in a season of peculiar party spirit, a time in which though a man of the fairest intentions and best of characters, yet he could not believe him, on his word, or his oath, upon matters with respect to which his passions had been excited. He said thus much without any impeachment of Mr. Stoney, but it should not be forgotten that Mr. Stoney was now before the House in the character of an accuser of respectable individuals on charges of the grossest conduct which could be imputed to a man in a public and *quasi* judicial situation, namely, partiality and unfairness. Mr. Stoney was the accuser, and upon his statement the House was to attach blame to those individuals against whom such imputations were raised. Unfairness and partiality were the charges dependent on proof upon Mr. Stoney's accuracy. He did not care a straw for the allegation in a case in which Mr. Stoney's passions were concerned, and why did he say so? Because he had read the evidence given by Mr. Stoney before the Commissioners, as printed and circulated by himself in and through Ireland. He would ask any of their Lordships to read that evidence, and say whether it was given in that tone or with that frame of mind which could induce any one of them to wish to have his testimony taken against any man or body of men? Such was the religious zeal of this Gentleman, such was his devotion to his cause, that he could not answer a single question. He was asked how often divine service took place in the Roman Catholic chapels. To this simple question he returned no answer, but stated that it was an abuse of language to call the worship of crosses, stones, stocks, and waters, divine service; and instead of answering the question, he went on in recondite quotations and descriptions to show that this was idolatry and not divine worship. He stated further, that African slavery was pure liberty compared with the condition of the Irish peasants under the thraldom of their priests. Was his evidence altogether that of a man of understanding, or possessing soundness of mind? He thought that the best vindication of Mr. Stoney, for the conduct he had pursued in this instance, was, that he was not of sound mind when certain questions were under discussion. He had never seen a greater indication of excitement and paroxysm than in the case of the Rev. Mr. Stoney. He would not, upon such testimony, convict a cat, still less a Court of Commissioners. The zeal of this Gentleman was greater than his wisdom—his zeal, he was sure, was without knowledge and without calmness. But he found that the Commissioners were not the only persons of whom Mr. Stoney complained, for it appeared that a certain Baronet, a Magistrate and Deputy-lieutenant of the county of Mayo, had termed him a disgraceful, litigious, and scandalous clergyman. Of this language, used to himself in a public court before his fellow countrymen, Mr. Stoney complained in a letter which had fallen under his notice. If Mr. Stoney's truth was such as the House had been called upon to believe what he said, by one having an archiepiscopal dominion over him, he, of course, must give credit to the reverend Gentleman's statement. Mr. Stoney himself had written that Sir Richard So and So had declared in public court that he (Mr. Stoney) was a disgraceful, litigious, and scandalous clergyman. Such were the designations which had been applied to Mr. Stoney in open Court, in the presence of his neighbours, on his own showing, and though this House had nothing to do with the disputes which might have given rise to this character—though

> "Non nostrum inter vos tantas componere lites,"

yet it proved the estimation in which the reverend Gentleman was held. The letter of Mr. Stoney proceeded to state that another person had called him a scandalous clergyman, and that he was fit only to be an attorney. This was contained in Mr. Stoney's letter of the 13th of March, 1833. In addition to this there was the letter of the Lord-lieutenant of the county of Mayo, to the Lord-lieutenant of Ireland, stating that it appeared to the former that the decision of the Commissioners might be very correct, although altogether displeasing to Mr. Stoney, which his Lordship thought very likely to be the case. With these proofs of the general feeling towards him, coupled with the endless litigation in which the parties, (he meant Mr. Hughes and Mr. Stoney) had been engaged, he had seen enough to induce him to think it would not be safe to form a judgment upon his statement on a controverted point between Protestants and Roman Catholics. He should be sorry to decide the point on such evidence. The petitioners had, however, in his judgment, completely rebutted the charges advanced against them.

The Bishop of *Exeter* rose to say a few words in explanation. He should only occupy the attention of their Lordships for a single moment. He was anxious to set himself right upon one point. He misunderstood what the noble Viscount had said. He thought the noble Viscount represented the petition that had been confided to him, as charging the Commissioners with persecution. Labouring under this misunderstanding, it was, that he had said, that there had been a mistake of the clerk in entering the notice. If he had been right, the clerks would have altered the notice, but he wished it to be borne in mind, that he distinctly said, in his notice, persecutions carried on in Ireland, but not by the Commissioners. It was clear he misunderstood the noble Viscount, and, therefore, the whole matter fell to the ground.

Lord *Farnham* wished to say one word in answer to something that had fallen from the noble Viscount opposite, as to his having spoken unfavourably of the Commissioners. But he denied that he had ever said one word against the Commissioners. On the contrary, he always said and thought, that nothing could be better than their conduct. When the Commissioners first came down to the part of the country where his property was situated, he wrote to Dublin to state that no person should be admitted to the schools, under his control and direction, in that part of the country, without an authority from him, but that the Commissioners should have every facility afforded them in this, and every other respect, to forward the object of their inquiry, which, in fact, was the case. He took this precaution, to prevent the access of strangers, of whom he knew nothing, and who might come there for other purposes than those of the Commission.

Viscount *Duncannon* said, that what he had stated was, that four charges had been made by clergymen, and one by a noble Lord, against the Commissioners, but he did not say that the noble Lord had made any.

The Earl of *Roden* said, Mr. Stoney had been charged by the noble and learned Lord opposite, with unsoundness of mind. He wished that the noble and learned Lord, with all his talents, had half the soundness of mind of Mr. Stoney. He did not rise to vindicate the language that had been read, as used by Mr. Stoney in his answers to the Commissioners; on the contrary, he considered such language most improper. He had, however, the pleasure of knowing Mr. Stoney personally, and he knew him to be deserving of the character which his diocesan had given of him. He knew, also, that he had been subject to great persecution in Ireland, not only from Catholics, but from Protestants, and chiefly on account of his zeal in propagating the true principles and doctrines of the Gospel. He lamented the indiscretion Mr. Stoney had fallen into in giving such answers as those which the noble Viscount had read, and he hoped that the present discussion would be a lesson to him to take care that in future he did not fall into a similar error.

The petition was laid on the Table.

HOUSE OF COMMONS,

Tuesday, May 26, 1835.

WESTERN RAILWAY—TRAVELLING ON SUNDAYS.] An hon. Member having moved the Order of the Day for the further consideration of the Report on the Great Western Railway Bill,

Mr. *Miles* rose to move the insertion of the clause of which he had given notice, to prevent travelling on this railway on the Sabbath. The petition which he had already presented from Bath on this subject, had been called in question by some hon. Members. In reply to their insinuations, he would say, that it was signed by the Bishop of the diocese, by twenty-one resident clergymen, and by several most respectable inhabitants of Bath. That petition, too, on a former occasion, had been described by hon. Members as preposterous and extraordinary, as if an application to Parliament to sanction the divine law by human enactment, was in any respect deserving of such epithets. He would submit to the consideration of the House, that whatever might be the opinion entertained within those walls on this subject, there was a growing desire out of doors, which was becoming daily more prevalent, to prevent the violations of the Sabbath, by stringent legislative enactments. In justice to the promoters of this Bill, he must say, that they expressed their willingness to insert a clause to prevent travelling on the railway from 11 o'clock till 2 on Sundays, during divine service; but he begged to add, that such a proposition did not meet the views of the gentleman who had proposed this clause, nor did it meet his own view. This was a company investing their capital in an undertaking for the purposes of profit, and when it was recollected that at that moment a Bill was in its passage through the House to prevent Sunday trading, he did not see how they could allow this Bill to pass in its present shape, without raising a cry throughout the country, that they were acting unjustly towards all other classes, whose trading on Sundays would be prohibited. The question, therefore, admitted of no compromise. The object of the clause was to enable the persons employed on the railway to pass their Sundays in a proper manner. There was a great mistake as to the number of persons employed on the railway. On a former occasion, the hon. Member for Carlisle had talked of the number employed on the engine, as consisting of only three persons. But when the House considered that the line of this railway would extend 119 miles, and that several engines would be moving on different parts of it at the same time, it would seem that a great number of persons must be thus employed. It had been also suggested to him, that he should bring in a general legislative enactment on the subject, instead of trying to accomplish his object in this way. His answer was, that he was desirous to feel the pulse of the House, and he begged to assure hon. Members, that should he have a majority on this occasion, he would at a future opportunity bring forward a general measure for preventing all travelling on Sundays. The hon. Member concluded by moving the insertion of the clause—which provided that no engine, or other carriage, should travel on this railway on the Lord's day, and that in case it did, the Company, and their successors, should be liable to the penalty of 20*l.* for each engine or carriage so travelling, to be recovered in the same manner as other penalties imposed by the said Act.

Mr. *Potter* regretted very much the absence of the right hon. Baronet (Sir Robert Peel) when this clause was under discussion. That right hon. Gentleman had come very opportunely to their assistance the other evening, when they were endeavouring to prevent a restriction of the Sunday, and he was, therefore, very sorry the right hon. Baronet was not present on this occasion. The hon. Gentleman had said, that should he succeed in carrying this clause, he would then introduce a general measure (and so far he certainly would be quite consistent) to prevent Sunday travelling, not only on railroads, but on all roads whatever. [Mr. *Miles :* " No."] He (Mr. Potter) had undoubtedly so understood the hon. Member. Now, suppose the hon. Member should succeed in carrying such enactments, what would be the effect of them ? To compel the inhabitants of large towns to remain within the limits of their towns on Sunday, even in summer, to generate therein nothing but tumult and discontent, and instead of promoting the interests of religion, to give a mortal stab to them. Such, he had no doubt, would be the inevitable consequences of this kind of legislation. The hon. Gentleman proposed to lay a penalty of 20*l.* on every engine that should travel on this railway on a Sunday, which would, in fact, prevent all Sunday travelling on it. Now, when this railway was finished, it was likely that it would monopolize all travelling on the line, the common roads being totally deserted, so that this clause would, if carried, put an end altogether to travelling on Sundays in the large towns and populous districts through which this railway passed. In the instance of the Manchester and Liverpool Railway, the turnpike-road, for the purposes of travelling, had been entirely forsaken for the railway. That railway was the communication between the town of Manchester, with a population of upwards of 300,000 inhabitants, and the town of Liverpool, with a population of upwards of 200,000 inhabitants, there existing very extensive connexions and relations between the two towns. Suppose, then, the hon. Gentleman's enactment regarding railways passed, in the case he had cited, its effect would fall exclusively on the working and industrious classes, who had no opportunity of going and visiting their friends in those respective towns except on Sundays, but who would, by the Legislature, be denied that enjoyment. Then there were the large towns of Bath and Bristol in the line of the present railway; of course the intercourse, at least between the industrious classes of those towns, would be altogether stopped by such an enactment. He trusted that the House, by its division on this Motion, would in some degree put a stop to these attempts at restriction of the Sabbath, which could do no good, but would be productive of great injury to the real interests of religion. In the instance of another Railway Bill, the hon. Member for Wigton (Sir A. Agnew) attempted to insert a clause similar to this, but the Committee on the Bill defeated the attempt. He hoped the House would deal in the same manner with the present clause. It was well-known that railways would be employed for carrying provisions to large towns. If, therefore, such a measure as this should be adopted, the population of this great metropolis would be deprived of the means of obtaining those supplies of provisions and agricultural produce which, if Sunday travelling on railways were allowed, would arrive to them not only from the neighbouring, but from distant parts, on Mondays and Tuesdays. He would call the attention of the landed gentry to that fact. He was certain, indeed, that any such enactment would be productive of serious injury to the farmer. He would give his most decided opposition to the clause.

Mr. *Curteis* said, that if this clause should be carried, the House would, in common consistency and justice, be bound to pass a Bill prohibiting Sunday travelling on all turnpike-roads as well as railways. The hon. Gentleman had acknowledged, that some had described this proposition as preposterous and extraordinary. He felt no hesitation in saying, that it appeared to him to be one of the most preposterous clauses that had ever been brought forward. If the House was determined to restrict the enjoyments of the humbler classes of society on Sundays, let the thing be done openly, and not by a side wind, similar to this clause. He would give his most strenuous opposition to such a side wind and partial species of legislation. As to the country gentlemen, they, generally speaking, did not travel much on Sundays, and he would say, that in the rural districts, the Sunday was at present much better observed by the industrious classes than it had been formerly. Had they a right to deprive those classes of free agency on the Sunday, and thereby to debar them from almost every species of innocent enjoyment? He called on the country gentlemen to resist this attempt, and he trusted the House would render it abortive.

Mr. *Robinson* observed, that whatever difference of opinions might exist amongst hon. Members on the subject of legislating with regard to the observance of the Sabbath, there could, he apprehended, be no difference as to the impropriety of legislating in this manner on such a matter. It scarcely required a remark to exemplify the absurdity of inserting a clause like this in a Railway Bill, altogether prohibiting Sunday travelling on that particular railway, whilst several Railway Bills had been already passed with no such prohibition contained in them. Let the House come to a decision on the general principle involved in this matter, and do not let it legislate with regard to individual cases.

Sir *Robert Inglis* observed, that they had been told by the hon. Member who had just sat down, that they should not legislate in this manner, but that they should bring forward some general measure on the subject. Now, should the House reject this clause, and should a general measure be introduced hereafter, would it not be said that the House had in this specific instance decided against the principle of such a measure? He thought, therefore, that the clause should be adopted. If in this case they limited Sunday travelling in accordance with what they believed to be the law of God, the persons promoting this Bill could not complain, as they had applied for it, subject to such restrictions as the House thought fit to impose, and when the general measures should be brought forward, it would be fortified by the adoption of the principle in this particular instance.

The *Attorney General* said, that if this clause merely went to limit railway travelling on Sundays during the hours of Divine Service, or for a certain period in the day, he might be disposed to assent to it; but as the prohibition extended to the twenty-four hours, he would oppose it; amongst other evil effects, it might prevent people from going to church by railways, where churches or chapels adjoined them.

Mr. *Roebuck:* I shall oppose this clause, because it is intended by it to interfere with the enjoyments of the working and poorer classes, whilst it leaves untouched the recreations of the higher classes. Why should a clause be introduced which is to be made to apply only to poor people? I went a short distance out of town a Sunday or two since, and I will narrate to the House what I saw. On that morning I went first into Piccadilly. At twelve o'clock, the first person I met on horseback was the Duke of Wellington. I went into Hyde Park, and there, while the Church service was going on, I found some poor men watering the ride for the comfort of the refined classes in carriages in the afternoon. A little further on I came to Knightsbridge, and there I found the soldiers exercising, and their officers in arms. I pursued my journey, and crossed Hammersmith Bridge, and there I met the Lord Chief Justice on horseback, taking a ride with his servant in the country. At three o'clock I arrived at Hampton Court, and there I met the right hon. Member for Tamworth. Do I blame any one of those illustrious personages for what they were doing? By no means; I was doing the very same thing that they were doing themselves. They have as much right to travel on Sunday for their health or amusement as I have; and so have the poor. This clause, if inserted in the bill, will principally, if not entirely, affect the poor, as they will be the parties who will travel on this road on a Sunday. It originates in a proud overbearing pharisaical spirit. The plain fact is, we meddle too much with one another. If each individual would take care of his own goodness, instead of being so unnecessarily anxious about the goodness of his neighbour, we should have more virtue in the world, though we might perhaps have a little less of outside show.

Mr. *Buckingham* was as anxious as any Member of the House could be, to protect the rights and interests, and promote the enjoyment of the poor: and it was precisely for that reason that he should give his support to the clause for preventing the use of the machinery and engines of the great Western Railway on the Sunday. As, however, his motives might be misconstrued, if he merely asserted his opinion without giving the reasons on which it was founded, he should feel it his duty to explain, very shortly, the ground on which he should give his vote. It had been reiterated, on almost every debate on this subject, that it was absurd to attempt to make persons religious by Act of Parliament; and from the cheers with which this assertion had been constantly received, an impression seemed to have got abroad, that this enforcement of the cessation of traffic and labour on the Sunday, originated entirely in a desire to make persons religious against their will. For himself, however, he protested against his being included in the number of such persons, if indeed there were any; and he was not afraid to declare, that, in his view of the case, no religious motives whatever entered at all. It seemed to him, indeed, very questionable, whether any particular observance of the Sabbath could be justly enforced on Scriptural authority. The setting apart of a Sabbath or seventh day of rest, was clearly one of the earliest institutions of society, and was long anterior to the existence of the Mosaic law—as the commandment said, "Remember that thou keep holy the Sabbath-day; and the reason given for this institution was, that in six days the great work of creation was completed, and on the seventh the Creator rested; in commemoration of which completion, the seventh day was blessed and hallowed, and devoted to rest for man and beast. The Jewish observance of this day was most rigid and severe—as might be seen by reference to the ritual law upon that subject; and during all the time of the Jewish dispensation, it was the seventh day of the week that was kept holy; and during that day (which commenced at sun-set on the evening preceding the Sabbath, and continued till the sun set on the day itself) no fires could be lighted, or provisions prepared, or journeys undertaken; and it was well known, that in the sieges of Jerusalem, under Titus, the Jews endured the most slaughtering attacks throughout the whole of the Sabbath without even defending themselves from the assault,—so rigid was their observance of that great religious fast. Now no one at the present time pretended that it was right to observe the Jewish day (which is the true Sabbath, commencing on our Friday evening, and ending on our Saturday at sun set) or to observe it in the Jewish manner; and yet if, we took the Old Testament as our authority for any observance at all, this ought to be the case. But every one would remember, that when the Saviour was reproved for having violated the Sabbath of the Jews, by plucking ears of corn and eating them, as he passed, with his Disciples, through a field, he defended his conduct, and illustrated his discourse by showing, that if a man had an ox or a sheep that had fallen into a pit, even on the Sabbath, it was his duty to draw it out, as it was "lawful to do good on the Sabbath day." In short, with the cessation of the ritual law in general, the rigid observance of the Sabbath of the Jews was discontinued; and our Sunday was a day of purely civil institution, and stood on no scriptural authority, as a day of peculiar holiness, at all. After the resurrection of the Saviour from the dead, the first day of the week, on which this great consummation of the Christian scheme of salvation took place, was set apart by the early Christians as a day of religious observance, on which to commemorate, by public festivals of worship and rejoicing, the crowning event of human redemption, by the resurrection of Christ. Our Sunday was therefore a festival of the Christian Church, instituted purely by human authorities of very early date, and founded on joint grounds of a Sabbath of rest originally instituted by the Creator for man and beast, and the subsequent commemoration of that Sabbath as the first instead of the seventh day of the week, because of the resurrection (the most important event and latest seal of Christianity) occurring on that day. As a civil institution, therefore, it had the sanction of very early and high authority; and all experience in every country, and in every age, had shown that it was a wise institution—as such an interval of rest was equally beneficial to man and beast; and its devotion to religious services, contemplation, and study, was advantageous to the best interests of mankind. Still, however, he would contend that any particular observance of the Sabbath was not religion: as, on the one hand, a man might keep it even in the rigorous manner of the Jews, and yet be wholly destitute of religion; while, on the other hand, a man might be truly devout, and conscientiously hold it was lawful even to trade on the Sabbath day, or to 'do good' in any way or form whatever. But it must be clear, that if the observance of one day in seven, as a day of rest, was a wise and useful institution, the only way to make that rest effective, and to bring it within the reach of all classes, and especially of the poor, would be to make it compulsory on all parties to discontinue on that day all those trafficking and laborious occupations which compel the labouring population to work on that day, or to risk the loss of their employment on all the other six. For his own part, he would willingly consent, for the sake of the community at large, to put aside all his own claims to profit or advantage on that day; and he was therefore consistent in advocating a legislative enactment that should prevent all labour and traffic for gain in every class of society. It was not intended to make people religious by Act of Parliament; but merely to enforce, equally on all classes, a cessation of traffic and toil on one day out of seven, in order that every human being, who desired rest on that day, might command it, if he chose, without injury to his interests or any other, which, according to the present system, was impossible; for if any of the engine-men, or others required for the Western Railway, were, on religious scruples or otherwise, desirous of having their day of rest on Sunday, they would be no doubt told that if they would not work on that day they should not be employed on the other days of the week; and they would thus lose their employment altogether.—This was the case with the bakers, butchers, fishmongers, publicans, steam-boat sailors, coachmen, and many others, who had petitioned extensively for some legislative enactment to give them a day of rest, by enforcing a cessation of traffic and labour, equally binding on all classes;—and his firm conviction was, that if the whole population of the country could be polled on this subject, it would be found that the objections to any law for the observance of the Sabbath would be principally among the rich; but that the poor, and especially the very poor, would be found to be largely in favour of a law that would undoubtedly secure to them an enjoyment now often placed beyond their reach. The truth was, that all classes of society in England were overworked: but more especially the poor; and in the same spirit as he had always advocated the shortening the hours of labour for men, women, and children, in the factories in the country—for the same reason he would like to see every shop in the kingdom shut up at six or seven o'clock in the evening, to afford time for recreation, reading, and domestic enjoyment; and for the same reason he should advocate the observance of the Sunday as a day of rest for man and beast. Whatever pleasures could be enjoyed by persons walking in gardens, fields, and in the open air, in those intervals of time which they might think proper to devote to religious worship or to study, he should think lawful and useful to be permitted. But the employment of vehicles and labourers, for hire and gain, whether steam-boats, carriages, railroads, or any other description of public conveyance, could not be necessary as such pleasures were enjoyed long before those conveyances were even in use at all; and in countries where no description of public carriage or vessel existed at present, the population enjoyed themselves in innocent and pleasureable recreations, without any other aid than the use of their own limbs, and independently of any auxiliary assistance whatever, as indeed, our own ancestors, did before us, when a walk to the parish church, of three or four miles, was deemed no hardship to men of eighty, or children of ten; though, now a-days, the delicacy of the race was such as to make it denounced as a hardship, that men of thirty or forty should be obliged to walk a distance of a mile or two to get into the green fields, from any town, on a Sunday, because of the want of public conveyances. There was but one argument more that he would advert to, and with this he would conclude.—At present there was no Question before the House for lessening any of the existing facilities for travelling on the Sunday. The only Question was, whether any new facilities should be afforded by a particular Bill, now about to be passed, for authorizing a railroad from London to Bath. The proprietors of this railway came before the legislature; and, with a view to invest their capital profitably, and to acquire pecuniary gain, (for it was clear that this was the leading motive, and a very fair and honourable one it was of all such proprietors,) they asked for certain powers and privileges which the legislature alone could give them.—Surely, then, in return for such powers and privileges, the House had as good a right to place restrictions on the number of days they should work their engines, as they had to place restrictions on the number of hours which steam engines in factories should be worked, or to place a limit to the amount of their dividends, or a term to the duration of their charter. All these were within their competency; and they might with equal fairness say, we will give you all the privileges and powers you ask, for six days in the week; but as we think the right of the labourer to his day of rest should be preserved, we will restrict you to those six days, and not extend your privileges to the seventh. This was surely not a matter of religion, but of civil regulation. If the object of the clause had been to enforce any particular religious observance, either on Sunday or any other day, he for one would give it his most strenuous opposition; because he considered that freedom of religion was a sacred and solemn right, which no legislature ought ever to be permitted to infringe. The State should have nothing to do with religion, or religious observances, except to see that no one sect or party should hinder or molest any other in the exercise of any religious observance that they thought proper to follow; and that no one should compel another to follow any religious observance of which he did not approve. But the present Question was one merely of cessation of traffic, and rest from toil. He believed that six days in the week were quite sufficient for both, and he would gladly see these six reduced to five, by giving every Wednesday to innocent recreation, and even these five abridged to eight hours each, instead of twelve, as all classes were over worked, and the poorer classes especially; for them, and for their families, he desired to obtain, if possible, more rest, and more enjoyment in every shape, in return for the labour they gave to the community; and for their sakes, if the hon. Member for Somersetshire should press his Motion to a division, however small might be that minority, he would give him the benefit of his vote.

Mr. *O'Connell* hoped, that the House would not listen to this Motion. If the House chose to legislate upon this subject, let it legislate openly and directly upon it; but let it not fritter away a great principle by legislating on it by a side wind. Why had not the hon. Member introduced a Sabbath Bill prohibiting all travelling on Sunday? In such a Bill he might have included all travelling upon this road, and indeed all walks whatever on a Sunday. The Western Railroad, if this clause were inserted in the Bill, would be stamped with a Sabbath mark, and would be *tabooed* ground for twenty-four hours in every week. What reason could be urged for shutting up this railroad on a Sunday? Unless you were next door to a church, you could not go to church without traveling; and this railroad, when finished, would give many people who reside along its line facilities for going to church on a Sunday, which they had not at present. He contended that no man who had any sympathy for the comforts of the poor could vote for this clause. The great use of this Bill was to bring the produce of the south of Ireland to the market of London with greater rapidity than could be done at present. Was the meat, the butter, the eggs, the vegetables, and other perishable commodities which might be sent over from Ireland to be tainted and rendered unfit for the market by being unnecessarily delayed twenty-four hours on the road? The free and rapid transmission of such articles from Ireland to London would render them cheaper for the poor. Why were they to be rendered dearer to the poor by the greater expense which those who transmitted them would have to incur by delay upon the road? He concluded by expressing his determination to give his most strenuous opposition to this clause.

Mr. *Arthur Trevor* supported the clause, for he thought that a special exemption ought to be made in all Bills as to Sunday travelling on railroads.

Mr. *William Duncombe* suggested the propriety of withdrawing this clause. The legislature could not establish one principle for travelling on Sundays on railroads, and another principle for travelling on ordinary roads. If it adopted the principle of prohibiting all travelling upon Sundays on all kinds of roads, it would subject the people to intolerable inconvenience.

Sir *Andrew Agnew* supported the clause in a speech of some length, of which not one word was audible in the gallery.

Sir *Phillip Durham* said, that travelling on Sundays was completely prohibited in Scotland, either by mail-coach, stage-coach, omnibus, or any other species of public vehicle. The poor had, therefore, no means of recreation on a Sunday in Scotland. The consequence was, that on that day many of them went unshaven and unshorn, and did not dress either themselves or their children. They lounged in idleness at home during church time, and as soon as church was over went off to the ale-house, to find amusement there, which was denied them elsewhere. He had represented the folly of this system over and over again to the Magistrates of Scotland, in hopes of getting it altered. In his own neighbourhood he had done everything in his power to render the poor free as air, and he had found his reward in their contented looks and smiling faces. The fact was, that the excess of severity led the people to desecrate, and not to keep holy, the Sabbath day. He should oppose the clause.

The House divided: Ayes 34; Noes 212;—Majority 178.

List of the AYES.

Agnew, Sir A.
Alsager, Capt.
Bonham, F. R.
Bruce, Cumming.
Buckingham, J.
Chichester, A.
Crewe, Sir G.
Dundas, R. A.
Finch, G.
Forster, C. S.
Fremantle, Sir T.
Goulburn, Sergt.
Griesley, Sir R.
Handley, H.
Hardy, J.
Hughes, H. W.
Jackson, J. D.
Kearsley, J. H.
Langton, Col. G.
Law, Hon. C.
Lefroy, A.
Pellam, J. C.
Plumtre, J. P.
Pollington, Viscount.
Pryme, G.
Sinclair, G.
Smith, A.
Trevor, Hon. A.
Vaughan, Sir R.
Vere, Sir C. B.
Vesey, Hon. T.
Wilks, John.
Wilson, —

TELLERS.

Miles, W.
Inglis, Sir R. H.

Clause lost.

HULL ELECTION.] Mr. *Handley* rose to present a Petition from Thomas White, of Hull, praying the House to declare the election for that borough, of David Carruthers, Esq., to be null and void. The hon. Member said, he presented the petition in pursuance of part of the Resolution of that House, of the date of the 24th of February, by which it was required that all persons complaining of returns to Parliament on the ground of bribery and corruption, should present the petition within twenty-eight days after bribery or corruption was alleged to have taken place, and within fourteen days after the first sitting of Parliament.

Lord *John Russell* said, that as the petition was presented in consequence of one of the Resolutions he had the honour of moving, and as there might arise some doubt as to the construction of that Resolution, he thought it would be best to receive the petition *pro formâ* now, to order it to be printed, and to consider on the next day of sitting of the House whether it ought to be received.

Sir *Robert Peel* said, that if there was any doubt as to the time the petition ought to be received, or as to the construction of the Resolution, the propriety of receiving the petition was in his mind very questionable.

Lord *John Russell:* The Order of the House referred to, related to the extending of time. Did the right hon. Baronet think the Question ought to be decided now?

Sir *Robert Peel* thought, that the purport of the Resolution was, that the petition should be presented within a certain time after the day corruption or bribery was alleged to take place. If the petition were not presented to the House within the time specified, it ought not to be received as an election petition.

Lord *John Russell* said, that it was competent in the House to discharge the petition if any irregularity should be found in it.

The *Speaker* said, there were two facts to be considered by the House as to the reception of the petition. The first was, the time of the payment of money for corrupt purposes, and the second was, whether since the time of payment more or less than twenty-eight days had elapsed before the petition was presented. The House could decide as to the time of payment of the money.

Mr. *Handley*: The petition alleged that the last payment of money was on the 13th of April; but from the 12th of April to the 12th of May the House had not been sitting.

Lord *John Russell* referred to the resolutions of the House, by which it appeared that the petition might be presented any time within twenty-eight days after the corrupt payment had been made; and if the House were not sitting in that interval the Petition was to be presented within fourteen days after the House first met. The question was, then, whether the House was sitting at the expiration of the twenty-eight days; and, secondly, whether it had been now sitting longer than fourteen days?

Mr. *Goulburn* thought that the petition in this case ought to be presented on the first day of the House sitting after the adjournment. Any other interpretation would be different from that of the original resolution.

The *Solicitor General* thought the construction of the resolution was "fourteen days after the return had been certified to the House."

Mr. *O'Connell:* Yes, that is it. When that day Mr. O'Loughlen was called on the ballot the officer looked to the date of the return. The money, in this case, was alleged to be paid on the 13th of April; on the 12th of May the House resumed its sittings, so that twenty-eight days had elapsed. But this day was the fourteenth day from the time the House resumed ["*No!*"] at any rate it was the fourteenth day from the 12th of May. He considered, therefore, that the Petitioner was in time to have his petition received.

Mr. *Handley* considered the Petitioner had a right to be allowed fourteen days after the House first recommenced sitting.

Lord *John Russell* said, that he considered the petition ought to have been presented on the first day the House resumed its sittings. It appeared to him now, from the arguments he had just heard that the petition ought not to be received.

Mr. *Handley* said, that the petition was placed in his hands but ten minutes before he entered the House. In that time he had examined it as attentively as he could, and he thought it ought to be received. However, he would not for one moment oppose his opinion to that of the majority of the House.

The petition withdrawn.

FISHERY OF NEWFOUNDLAND.] Mr. *Robinson*, in pursuance to notice, brought forward his Motion relative to the right of British subjects to a Concurrent Fishery on that part of the coast of Newfoundland, commonly called the French shore. If the subject were only of a local nature he would not presume to demand much of the attention of the House; but it involved more than local importance or the interests of a single colony. The question arose out of the construction put upon a treaty entered into between England and France in the year 1814, and though so long a period as twenty-one years had elapsed the Government had given no answer to the persons engaged in this fishery as to how the treaty was to be construed. This was very strange, and he would ask the Government how long after twenty-one years were British subjects to wait before they were told whether they had a right, concurrent with the French, of fishing on their own coast. In 1830, he moved for a Select Committee to consider the subject. The answer of the Government was, that a Select Committee was an inconvenient course of proceeding. In 1831, he again brought the matter before the House, when he was induced to withdraw it, in consequence of being told that the subject was under the consideration of the Government. Last Session, in June, he moved an humble Address to his Majesty, praying that he would order the Law Officers of the Crown to give their opinion on the treaty in question, and then he withdrew his Motion, because he was told by Government that they were in treaty with France on the subject, and that it would be useless to press the matter until the pending negotiations were concluded.

On the accession of his Grace the Duke of Wellington to office, he (Mr. Robinson) received from Newfoundland a strong memorial, complaining of the long delay in giving an answer, and almost insisting that the Government must say whether the memorialists had a right of fishing on that part of the coast alluded to. On the 25th of February he wrote to the Duke of Wellington enclosing the Memorial, and in the letter he stated it to be his opinion that the English had a concurrent right with the French of fishing on the coast in question; and that Government ought to tell them so, or tell them if, and why, the right was taken away. He was told soon after by the Under Secretary for the Colonies, that the reason the Duke of Wellington had returned no answer to his communication was, that the negotiations with France were still pending. It was for these reasons that he placed a notice of Motion on the subject on the books for that day, and which made him feel it his duty to advert once more to the matter. He protested against any further delay in adjusting this Question. The French had an interest in having the settlement of the Question indefinitely postponed, because, whilst it was so, they arrogated to themselves the right of interrupting all others fishing on the coast. Unless the Government could satisfy him by cogent reasons that the Question could not as yet have been settled, he would persevere in his Motion. This right of fishing was given so far back as 1730, and so important was it thought to be that it formed a separate Article in all Treaties between this country and France ever since that time. France had no other right of fishing than that given by the treaty of Utrecht, and that was nothing more than a permissive right to fish. He remembered having written a letter to a former Secretary for the Colonies, the right hon. Sir George Murray, pressing him to tell those people if they had a right of fishing on what was called the French shore or not, and, strange to say, the right hon. Gentleman (able Minister as every one knew him to be) answered his letter by saying that the Government did not know. In the year 1831 a vessel was fitted out in this country for the purpose of trying the disputed right. On the approach of this vessel to the French coast the French assembled, and warned the Captain of the vessel, telling him that he had no right to fish there, and that they would prevent it. The captain answered that he was sent to try the right, and that he would not withdraw unless he was compelled to do so by force. A French ship of war then appeared, and told the English captain that he had orders from his Government to prevent the British from fishing on those shores, and that he would do so. Upon this intimation the captain of the English vessel withdrew. He contended that, according to the fair construction of all the treaties that existed between the two countries on the subject, the right which France exercised was a permissive, and not an exclusive, right. France had always pursued in respect to other nations a course of selfish policy, and he must, therefore, say, that if this question were suffered to remain much longer unsettled, the dignity of the British Crown would be compromised.

Mr. *Potter* (interrupting the hon. Member)—I move, Sir, that the House be counted.

The House was cleared of strangers for the purpose, but there being forty Members present, the debate was proceeded with, although strangers were not readmitted, until Mr. Robinson had concluded, and Mr. Poulett Thomson had begun his reply.

Mr. *Poulett Thomson* said, that he had formerly stated to the hon. Member (Mr. Robinson) the course which he (Mr. P. Thomson) considered should be taken, viz. to ascertain what was the opinion of the Law Officers of the Crown with reference to the question; upon which afterwards the Government might proceed in negotiation. He (Mr. P. Thomson) had felt it his duty strictly to comply with the pledge he had then given to the hon. Member; and within a few days after, he addressed a letter to the Foreign-office, requesting them to take the opinion of the Law Officers of the Crown upon the subject. He had reason to believe, that that request was complied with; that the opinion was demanded; and, when it had been received, the noble Lord then at the head of the Government would have been prepared to make all endeavours towards negotiation with the French upon the subject. That opinion had not been received by the noble Lord, the present Secretary of State for Foreign Affairs, prior to his leaving office; and during the Administration that succeeded them, no further steps were taken in the question. As far then as he (Mr. P. Thomson) could fulfil the pledge given by him to the hon. Member, and as far as the noble Lord then at the head of the Foreign Department could fulfil it, so far it had been fulfilled. Since their return to office, he knew that the Law Advisers of the Crown had been pressed for their opinion, and he had no doubt that it would be soon in their possession. Now, having stated that they should be in a condition, at least as far as that opinion went, to commence negotiations upon the subject, he trusted that he had stated that which would prove to the hon. Gentleman that there would be no use whatever in the House acceding to the Motion, even if it were otherwise advisable. But supposing that negotiations upon the subject had been carried to any extent, he was prepared to say, that nothing would be more unadvisable than to lay whatever had passed upon the Table of the House. Because it was in the power of the hon. Gentleman to say, that his interpretation of the treaty was perfectly clear, it did not follow that others must agree with him. He wished that he could feel as little doubt upon that subject as the hon. Gentleman, and that all the other statesmen to whom the treaty had been successively referred for consideration had not, in their opinions, thrown great uncertainty upon the opinion of the hon. Gentleman. The hon. Gentleman said he looked merely at the treaty of Utrecht; and if he looked at that treaty, he would find the rights for which he contended fully maintained and fixed. But let the hon. Gentleman look at the treaty of 1783, at the peace of Paris, and the declaration that accompanied it, (for that was the chief point) and the Act of 1786, which was framed for the purpose of carrying into effect that treaty, and let him turn to that with which he was well acquainted, the opinion of Mr. Huskisson given in 1827, and he was afraid the hon. Member would find doubt adhering to his (Mr. Robinson's) judgment. He was perfectly willing, however, to give the hon. Gentleman the assurance, that when the opinion of the Law Officers had been received, every exertion would be made by Government to bring that question to a settlement, and let him tell the hon. Gentleman that it was only by the endeavours of Government that it could possibly arrive at a satisfactory settlement; for, if he were anxious to bring it to a satisfactory conclusion, let him ask he hon. Gentleman in what way would that be effected? Was he prepared to say, that Government ought to send out armed vessels to the coast of Newfoundland, and, with a treaty, the construction of which was yet undecided, take force into their own hands, when their rights were disputed? Was he prepared to say that?—

An hon. Member here moved that the House be counted; and there appearing less than forty Members present, the House adjourned.

HOUSE OF LORDS,

Wednesday, May 27, 1835.

MINUTES.] Petitions presented. By the Earl of ABERDEEN, from Aberdeen, for the Better Observance of the Sabbath.—By the Duke of GORDON, and the Earls of MANSFIELD and SHAFTESBURY, from several Places, for Additional Accommodation in Scotch Churches.

CHURCH RATES.] Lord *Brougham* said, he had to present a Petition complaining of a personal grievance. The petition, which emanated from a most respectable body of men—namely, eighty-eight congregations of Dissenters, meeting in a district which comprised twelve miles round London—contained a very strong remonstrance against the payment of Church-rates by Dissenters. The petitioners adverted to the case of a highly respectable individual, named Child, who, in consequence of the existing state of the law, had been imprisoned in Norwich gaol for the nonpayment of Church-rates amounting to 17*s.* 6*d.* Now his difference of opinion from that of the petitioners and of Mr. Child was this—he wished to see the system altered—he disapproved of the law which imposed these Church-rates upon Dissenters—but, so long as it was the law of the land, he thought that it ought to be obeyed. A man might, like Mr. Child, disapprove of the law, but he was not therefore bound in conscience to resist it, and thus get himself into a prison. Though such was his view of the matter he was ready to bear testimony to the pure and disinterested motives of Mr. Child, whom he had known long. There was no man more respected among his acquaintance. In his business, as a printer, he conferred great benefit on society by the many excellent works which he sent forth to the public. It was only from a conscientious motive that he was led to brave the punishment inflicted on him. There were only two courses in which he could have been proceeded against for payment. One by a seizure of his property, under the authority of two Magistrates, and the other by citation before the Ecclesiastical Court. The latter, and the more severe course, was pursued, judgment issued, and he was sent to a prison forty miles from his home.

Ordered to lie on the Table.

SLAVE TRADE.] Lord *Brougham* said, he had received a communication from a most respectable African merchant of the city of London, respecting which he would put a question to his noble Friend at the head of the Admiralty. This gentleman informed him that six piratical vessels were lately captured and brought into Sierra Leone laden with slaves. They were sailing, he believed, under the Spanish flag; and a gentleman who saw the slaves on board said they were in the very worst condition, and that not less than 150 lives might have been saved if proper accommodation and room had been afforded before they reached the port. There were no less than 900 unhappy beings, forcibly taken from their country, cruelly separated from their relatives and friends, by the crime of these detestable ruffians, who abused the Spanish flag to carry on this nefarious traffic. By the law of this country they would be hanged as pirates. The question he would ask was, whether the captain or captains of the cruizers which captured these ships, did anything to accommodate these unhappy beings with room in their vessels, where there was room enough. He knew it was now laid down as law that no Member of that or the other House of Parliament must inquire as to the conduct of an officer, who might have inflicted injury upon any individual however respectable, if that individual happened subsequently to express forgiveness for the injury. Another rule laid down was that, if the Admiral of the station did not forward a complaint to the Admiralty of the conduct of an officer, no one had a right to ask any questions.

Lord *Auckland* said, he was in the most perfect state of ignorance with respect to all the circumstances mentioned by his noble and learned Friend. If his noble Friend could tell him the name of the ship or ships which made the capture he would inquire into the subject.

Lord *Brougham*: It was made by the cruizers on the station.

Lord *Auckland* said, there were sixteen cruizers on the station, and before he could make inquiry he must ascertain the name of the vessel. With respect to the other point alluded to by his noble Friend he laid down no rule. All he said upon the occasion was, that no complaint had been lodged either by the individual said to be aggrieved, or by the Admiral of the station. He (Lord Auckland) and the other Members of the Government were most anxious to put down the horrible traffic, and no exertions should be wanting on their part to effect so desirable an object.

Lord *Brougham:* The capture took place on or before the 5th of March. It might be ascertained what cruizer was then on the station.

Lord *Auckland* repeated there were sixteen of them.

ENTAILS. (SCOTLAND.)] The Earl of *Roseberry*, in moving that their Lordships should take into consideration the report of the Select Committee on the Report of the Lords of Session upon the Scotch Entail Bills, observed, that he entirely concurred in the short Report made by the Select Committee, although he regretted that it did not go further, and enter more at length into the subject, instead of merely recommending an alteration in the existing law. He fully admitted the ability, and duly estimated the assiduity and laborious attention, which the Lords of Session had brought to the consideration of this subject, although he differed from them on two points, one of a legal nature, the other of a general character. The noble Earl then proceeded to enumerate the many technical difficulties that were connected with efficient legislation on this subject, and expressed a wish that some Member of his Majesty's Government, or some person holding a high judicial situation, would undertake the task, since he found, from his own experience, that it was impossible for any unsupported individual Member of their Lordships' House to effect the object which he had sought to attain. If any other noble Lord would take up the subject, he would endeavour, before the next Session of Parliament, to remodel the two Bills which he had had the honour to introduce, and to remove from them those provisions to which objections had been chiefly made. It was, he conceived, necessary, that any measure on this subject should embody the three following principles;—first, to prevent, in future, Entails in perpetuity being made in Scotland; secondly, to afford facilities for the exchange of lands to heirs in succession; and thirdly, to grant to heirs in possession (to an extent to be determined by Parliament) the power of selling, for the purpose of clearing off incumbrances which had been created under the existing law.

Lord *Brougham* said, there were great difficulties in legislating upon the subject; but a great and beneficial relaxation of the present law might be made, even as regarded existing Entails. The English law knew of no such thing as perpetuity, except in the cases of creations by Act of Parliament, as the Marlborough and Strathfieldsay estates, and of a person holding an estate, with remainder to the Crown. There were various expedients to tie up an heir, but they operated within very narrow limits. He recollected one instance of the hardships frequently inflicted by the Scotch Law of Entail. A lady in Lancashire, brought up in luxury, and surrounded with all the conveniences and comforts of life, married a gentleman having two Entailed estates. She had but a few marks jointure. The husband died, and her son supported her. He also died, and the next heir was an infant, and the guardian could not give her a farthing. She applied to him to procure her the situation of companion to an old lady. She died soon afterwards, and, he believed, very much in consequence of what she suffered on account of the present Scotch Law of Entail. This was only one instance out of many hundreds. The great difficulty was that of vested interests. He was surprised the Lords of Sessions fell into the error they did with respect to perpetuity in England. The abolition of the Law of Entail could not reduce the price of land, because no person would be compelled to sell. His noble Friend should have his best assistance in furthering the measure whenever he should propose it.

HOUSE OF COMMONS,

Wednesday, May 27, 1835.

MINUTES.] Bill. Read a second time:—Oaths' Abolition.

Petitions presented. By Mr. LECHMERE CHARLTON, from Ludlow and other Places, for Exempting Lime from paying Toll, when carried as Manure.—By Messrs. WAKLEY, STRUTT, HANDLEY, HODGES, HARVEY, and another HON. MEMBER, from several Places,—for the Remission of the Sentence on the Dorchester Labourers.—By Mr. Sergeant TALFOURD, from the Bankers of Reading, against the Imprisonment for Debt Bill.—By Mr. POTTER. from Wigan, for the Repeal or Alteration of the Factories' Regulation Bill; from Honiton, against the Lord's Day Observance Bill; from the Unitarians of Salford, against the Dissenters' Marriage Bill.—By Lord F. EGERTON, Sir GEORGE CLERK, Messrs. SHAW, and A. TREVOR, from several Places,—for Protection to the Protestant Church of Ireland.

DORCHESTER UNIONS.] Mr. *Wakley* had to present sixteen Petitions, praying that the House would address the Throne to remit the sentence passed on the Dorchester labourers. Eight of these petitions were from Dorchester, from the friends and neighbours of those men who were transported, and the other eight were from Ipswich, Rochester, Norwich, and one from Stoke-upon-Trent signed by 13,448 of the inhabitants. The petitioners considered, in the first place, that these men were improperly prosecuted; and, in the second place, that, if the prosecutions were just, the sentence was most severe and uncalled for. Considering all the circumstances of the case, he must say that these unfortunate men had been convicted under a law of which they were entirely ignorant, and that they merely followed the example set in London and other places, viz., of combining together for the purpose of obtaining such wages as would enable them to support themselves, their wives, and families. The relatives of these men, thus, if not illegally, certainly cruelly, punished, had been pursued by the same feelings of ill-will and oppression. One of them was a woman who had amongst those who were transported, two brothers, a husband, and a son. After these men left England she applied to the overseers for relief. The overseers said "No; we will give you no relief. You have another son left, and he has six shillings a week, which is quite sufficient for his and your support." He hoped the House would be induced to exercise its privilege of addressing the Crown upon this case. The proceedings against these men had caused the greatest uneasiness and agitation amongst the labouring classes. They felt that if these persons were not relieved by being brought back to England, they could not expect protection under the existing law, as they believed that they were not represented in that House, the elective franchise being confined to householders. He considered it the duty of that House to interpose for the purpose of bringing the men back to England. Till then the working classes would not be satisfied, nor could the law be vindicated in the eyes of the people. He was sure that, when he brought the case fully before the House, he should be able to convince them that the whole proceeding was illegal. He, however, hoped that he should not be placed under the necessity of bringing the subject before the House on the 25th of June, but that his Majesty's Ministers would be induced to take the case under consideration, as he was satisfied, from their feelings of justice and humanity, that they would not allow these unfortunate men to suffer the penalties of a crime, of which, if guilty at all, they were unintentionally guilty.

Petitions laid on the Table.

THE IRISH CHURCH.] Mr. *Shaw* had several petitions to present in reference to the Established Church, and the danger to which the Protestant religion was at the present crisis exposed in Ireland. He held in his hand one signed by upwards of 1,500 Protestants residing in the county of Louth; others from the Bishop and Clergy of the dioceses of Leighlin and Ferns, and of Killaloe and Kilfenora; all earnestly protesting against the principle of appropriating Church-property to secular purposes, and praying protection for the Protestant religion and Church in Ireland as established by law and guaranteed by the act of union. The petitioners expressed their alarm and dismay at the prospect of the principle of proportion which it is threatened to apply to Protestantism in Ireland, as a mockery of all legislative engagements, and a flagrant violation of the most solemn national contract. The Protestants in Ireland justly regarded it as a premium on their extirpation, and the petitioners respectfully but firmly expressed their opinion, that if that principle were carried into effect, the chief bond of union between Great Britain and Ireland would be dissolved, and that the overthrow of all English interests in Ireland, and the final separation of the countries, would follow as an inevitable consequence. . He did not desire to provoke a general discussion of the question on the presentation of these petitions, but hoped the House would allow him to correct some misstatements on mere questions of fact which had been made on the subject to which they related, and he would do so by reading the answers in the words of those from whom he received them, at the same time bearing testimony to the high respectability of the writers—for he made it an invariable rule never to bring forward a fact, or to rely on a document in that House, without being fully assured of the respectability and genuineness of the authority from whence they came. The first statement to which he would allude was one made by the noble Lord the Secretary for the Home Department (Lord John Russell), in his opening speech on the question of the surplus revenue (as the noble Lord called it) of the Irish Church. The statement of the noble Lord was, that there were but two thousand Protestants in the diocess of Killaloe. He (Mr. Shaw) would read the answer to that statement from the letter of the vicar-general of the diocess, who, with himself (Mr. Shaw), only imputed to the noble Lord that he was misinformed. It was in these words:—"I have made the closest inquiry into the actual number, and instead of 2,000, I can state them officially to be 18,265." The next was the case of Tullamore, in the King's county, and referred to a statement of the same noble Lord.

Mr. *Dominick Browne* rose to order. He believed it was disorderly for persons out of that House to refer to any statement made in debates in that House.

Mr. *Shaw* was surprised at the interruption: strictly speaking it certainly was irregular for any persons out of that House to quote the words of an hon. Member used in debate, for the purpose of reasoning upon them, as indeed reporting them at all was in strictness out of order; but he had never before heard an objection made in that House to a correction of the misstatement of a fact. If he was driven to it on a point of mere technicality, he might give the facts as a speech of his own, but he much preferred giving them on the authority and in the words of those who could speak to them of their own personal knowledge. Well, then, with the leave of the House, he would read an extract from a letter written to him by the resident rector of Tullamore, in reference to the statement of the noble Lord (Lord John Russell), as to that parish; it was as follows;—"His Lordship is reported to have made use of as a fact upon which he built his theory of the state of the Irish branch of the Established Church, the parish of Tullamore, which he sets down as by composition at 470*l.* per annum, and containing 120 Protestants; now the sworn return delivered in to the Commissioners of Inquiry for 1831 rates the churchmen at 1,254; and I regret to say, that my income has been equally mistaken, though the exaggeration lies on the other side, it being little more than one-fourth of the sum set down to me." The third case was that of a statement made by the hon. Member for the county of Cork (Mr. O'Connor), and since quoted by the noble Lord (Lord J. Russell) in a speech at Exeter. He would read the statement from the report sent him:—"The hon. Member (Mr. O'Connor) adverted to the non-residence of the Irish Protestant clergy, and declared that the rector of his own parish he had never seen. The curate lived out of the parish, the clerk resided at a distance of fourteen miles from the church, and the sexton sold spirits without a licence in the churchyard." The answer of the Rev. Mr. Hall, the curate, was as follows; "For seven years last past I have been curate of, and constantly residing in, the parish, with the exception of four months, during which I left a substitute perfectly approved of by the Bishop; and until last year, Mr. Laird, the senior curate of the parish, was boarded and lodged during those years by different members of Mr. O'Connor's own family. With respect to the clerk, he has been nearly six years appointed, has resided in the parish all that time, and performed the duties of parish schoolmaster in the most efficient and exemplary manner. And the sexton is a pious, honest, and industrious man, who neither during the six years that he has been appointed, nor at any period of his life, ever sold spirits with or without a licence." Surely the House must desire to have such misrepresentations, though made in error, corrected as speedily as possible. Much mischief, however, was done by their circulation in the mean time, and by hon. Members making such statements calculated to influence the public mind on light grounds. With regard to the question of residence to which the last case had reference, he (Mr. Shaw) was as anxious for the enforcement of residence and the removal of every real abuse in the Established Church as any man could be; but he regarded the Resolution of that House, which the petitioners so strongly deprecated, not as intended to improve or reform the Irish Church, but as having the mixed object to overthrow the late Government on the part of many who voted for it, and of the great majority of the remainder, to take the first step in a principle which would tend to the destruction of all union between Church and State in both countries.

Lord *Francis Egerton* presented petitions from Salford and Manchester, signed by 10,500 persons, expressing their alarm at the present situation of the Irish Church, their regret that the measures proposed by the late Government had not been carried into effect, and praying the House for protection to the Church Establishment. The petition was signed by many respectable Dissenters, and also a Roman Catholic gentleman named Travers.

Mr. *Mark Philips* felt it necessary to offer a few observations upon the petition which had just been presented by the noble Lord, more especially as the House would be shortly called upon to carry into effect the resolution that had been agreed to relative to the appropriation of the surplus revenue of the Irish Church. He knew not what exertions might have been made to obtain signatures to the petition in question, nor did he mean to call in question its authenticity in any way; but this he would say, that the signatures bore a very small proportion to the population of the town from which it came. He was glad to find there was so small a number representing such sentiments as were contained in that petition. He would beg leave to refer the House to the opinion expressed by his right hon. Colleague who had since accepted the office of President of the Board of Trade. At the late election, the right hon. Gentleman had expressed his opinions pretty freely, and he would say that the result of that election spoke the deliberate conviction on the minds of the population of Manchester upon this subject. Allusions had been made to one gentleman who had signed it, who was a Roman Catholic and a large landed proprietor. He did not mean to cast any imputation upon that gentleman, or any other; but he believed he was the owner of considerable Church-property—and if he was the owner of Church-property, and he considered it in danger, he should certainly feel it his duty to enter his protest against any measure which he thought calculated to produce that effect. The circumstances attending the getting up of the petition were such as that it could not be considered a petition from the town, and he (Mr. M. Philips) would enter his protest against its being received as expressing the sentiments of the people of Manchester.

Mr. *Finn*, as a Roman Catholic, would enter his protest against the assertion that the Roman Catholic Members of that House had violated their oaths. The petitioners called upon the House to frame an oath to prevent the Roman Catholics from interfering with Church-property; but if they (the Catholics) were not to be believed upon their oaths, what was the use of making forms to bind them. Were there ever such stupid, such sottish propositions submitted to the House? What had kept the Roman Catholics out of that House for 140 years but their sacred reverence for the obligation of an oath? This was a fact which all the illiberality, cant, hypocrisy, and spirit of plunder which had prevailed in Ireland had never been able to refute or disprove. He challenged hon. Members to produce the same regard for the obligations of an oath among the various sects of England. He would state one fact to the House bearing upon the subject—a Protestant Gentleman, the Member for Ennis, when he had come to that Table to be sworn, had revolted from the oaths about to be administered to him as a Protestant Member, and took the oaths as a Roman Catholic. He, (Mr. Finn) would not for the first position which fortune, station, or empire could confer on him, take the oaths which the Protestant Members of that House were called on to take, and in which their Roman Catholic brethren were stigmatized as idolators. He believed that those persons who assailed his religion were a disgrace to the name of Protestant or any other religion. They reviled the religion of their neighbours, forgetting that pure principle of charity without which there was not, nor could be, any religion. He spurned the base attempt of the petitioners to obtain the opinion of that House upon the Roman Catholic oath, or to induce it to frame another. The question had been a fruitful one for every bigotted individual to pour out his rancour against the Roman Catholics—it had formed a subject for every vile renegade print, for every apostate and unblushing print, which, the more broadly and universally the seal of public reprobation was stamped upon it, the more liberally did it pour out its rancour and malignity against his religion. There was a deep feeling of conviction amongst the peasantry of Ireland, that the injustice, the miseries which they suffered, arose from the parsons. There were, he knew, many men of great worth amongst them, but there were others who made it their sole business to diffuse bad feeling, and to excite discord, amongst the people of Ireland. Look at the Dean of St. Patrick for instance, a man who received 2,500*l.* a-year from his benefice. He had read a speech, an authenticated speech, of that Rev. Gentleman, in which he denounced the Roman Catholics of Ireland as heretics, murderers, and persons utterly incapable of faith or truth. And this was the manner in which this rev. recipient of 2,500*l.* a-year abused the people from whom he derived his income. Was it surprising, then, that the people of Ireland should feel a sense of injustice at supporting a Church, the Ministers of which thus slandered and insulted them, and that they should feel a deep attachment to their own clergymen, their friends in the hour of need, and their faithful counsellors in the hour of distress? He despised, from his soul, the cant—he was afraid of giving expression to his feelings; but when language of this kind was held in that House, he could not contain them. He called upon the right hon. and learned Recorder to bring forward a distinct resolution upon the subject. When he brought forward in that House a Motion that in every parish where 500*l.* a-year was the amount of the benefice, the Protestant working clergyman should get 100*l.* a-year, how many supported that Motion?—thirty-three. And of those who were now anxious to retain the superfluities of the Church, not one of those zealous Friends of the Church supported his motion. He could inform the right hon. Gentleman, that the Churchwas as likely to suffer from its overzealous Friends as from its bitterest enemies.

Captain *Berkeley* rose to say one word. It had been stated by the hon. and learned Recorder of Dublin, that those who differed from him upon the subject of the Irish Church, voted upon that occasion because they wanted to put the late Ministry out of office, and to destroy the Church Establishment. [Mr. *Shaw:* I said the majority] He did not wish to boast that he had as great a regard for the established Church as the hon. and learned Recorder—for himself, he believed that the hon. and learned Recorder's regard did not surpass his own; but all he rose to say was, that so far as any imputations were cast upon him as one who did so vote, he would tell the hon. and learned Recorder that such imputations were neither founded on truth, justice, or charity.

Mr. *Shaw* had said that a great many had joined in that vote for the purpose of overturning the Church. Many had said, at least some hon. Members had said, had professed, that their object was to overturn the Church. Many, no doubt, differed from this, but he considered that the great majority had joined in that resolution in order to destroy the connexion between the Church and state in both countries.

Mr. *Brotherton*: A petition had been presented from the place which he represented, and he begged leave to offer a few words. It was not his intention to disprove the respectability of the parishioners, but he must say that the number of signatures to the petition out of so large a constituency was not a very great portion. It appeared to him that this was not a question of religious principle, but simply a question of money. If the established religion were the Christian religion—a religion founded on justice, seeking to procure peace and good will, it was a bad compliment, at the best, to that religion, to say that it would be overturned unless it were supported by the money of the country. He must say, that in voting for the resolution proposed by the noble Lord, the Secretary for the Home Department, he (Mr. Brotherton) did not vote with a view to put down the established Church, or to do anything having a tendency to weaken the religious feelings of the country. His object was to promote peace and tranquillity in Ireland, to do justice to those who had too often suffered great injustice, and to promote the interests of this country, by endeavouring to promote good order in that part of the empire, and also to prove his respect for religion by standing up on the behalf of justice and humanity, rather than by exciting improper and acrimonious feelings amongst the people of Ireland.

Mr. *Ruthven* was surprised at the pertinacity with which these petitions were presented. He had some hope that the noble Lord (Egerton) who had presented one of these petitions would have had the delicacy of not pressing it upon the House, as a more unjust, audacious, and slanderous petition he had never read. They were told that some respectable names were attached to the petition, and that one of them was that of a gentleman of great respectability. If such a person's name was attached to the petition, it disgraced him as a gentleman and a man. They were told, as an excuse, that this gentleman derived his income from Church-property.

Lord *F. Egerton*: The name of the gentleman to whom the hon. Member alluded was not attached to the petition in question.

Mr. *Ruthven*: If there were any other Gentleman of respectability amongst these petitioners, he would say that he had disgraced himself both as a citizen and a private gentleman. Such a petition ought not to be allowed to lie on the Table. The language of petitions to that House ought to be clear, distinct, and not liable to be misunderstood. They ought to know what the petitions applied for. It was not to be tolerated that Members of that House should be spoken of in such language as that used in the present petition. What did the petitioners mean by Irish agitators? That House should not allow petitions containing such vague charges to be presented in this manner. It was a practice that was too often resorted to, and was only calculated to create ill-feeling among the Members of that House, and the people at large. He would state with respect to the assertions of the right hon. Member, that they were not applicable to him, and they were not founded in truth. The petition which had been read conveyed enough to show how suspiciously all such documents ought to be considered. It contained language which ought not to be countenanced by the House, and he trusted, therefore, it would not be received.

Colonel *Evans* said, that he was not one of those who conceived it his duty to look very scrupulously at the language contained in petitions—he was anxious to throw the door as widely open as possible to the right of petitioning. He was not, therefore, for rejecting these petitions, though certainly they were couched in very unjustifiable language—he alluded especially to the petitions from South Lancashire and Durham. If he was not mistaken, one of those petitions charged a portion of that House with perjury, and the other charged the majority of the House with high treason. Did it mean to charge His Majesty's Ministers, and those who supported the course they had adopted, with that offence? If it did not distinctly convey a charge of that nature, the petition was a most senseless one.

Mr. *Wilson Patten* was understood to say, that no charge of high treason was preferred in the petition referred to, that from South Lancashire. The petition was most respectably signed by members of the established Church and by Dissenters, and it had been got up without any undue exertions.

Lord *Francis Egerton* said, that he had always looked upon it as a principle adopted by that House to allow the greatest possible latitude to petitioners. There must be very strong reasons to justify the rejection of a petition, such as that it contained calumny or slander against an individual, or that it was contrary to the forms of the House. He would beg to say, that if any portion of the petition contained a charge of high treason against anybody, much more against that House, he would not present it. But he thought a forced construction had been put upon the charge contained in it. It was, certainly, couched in strong language. He understood it to designate the measure as an act of treason against the King and Constitution of the country. But that did not mean treason in the legal sense of the word—namely, levying war against the King; it was merely a figurative expression. It was not language, perhaps, that he would have used had he drawn up this petition, but he felt it did not exceed the language used in other petitions to that House, and that he was bound in duty to his constituents to lay their sentiments before Parliament.

Mr. *Grote* would only make one observation on the subject. Much was frequently said by gentlemen opposite as to the ferocious language employed by Radicals and the working classes. That reproach was often cast at the supporters of the popular side. He would defy, however, any Member opposite to point out a petition coming from those parties which abounded in such calumnious assertions, and that imputed the very worst possible motives to others, as this petition from the Conservatives of South Lancashire did, and also the petition from Durham. It was true great latitude should be allowed in petitioning, but it was right that the same character should be applied to violent language, whether it came from the ultra-Pious or the ultra-Radical.

Mr. *Arthur Trevor* would not have presented the petition from Durham if it was open to the charge brought against it by the hon. Member. It was true it contained strong language, but it referred to a subject of solemn and sacred importance, and the petitioners had a right to employ language as strong as the rules of society would admit in characterizing the measure in question. They heard much of the persecution of the Catholics; was there no persecution against the Protestants? The proposed measure was a direct invasion of their property. He had several other petitions to present from the county of Durham on the same subject, but as he had not read them, he could not say whether they were couched in the same language as that in the petition he had just presented. As he did not, however, see the hon. Member for that county present, who differed from him (Mr. Trevor) on this subject, he would abstain from presenting them now. He hoped that the hon. Member for Kilkenny (Mr. Finn) would believe that he did not wish to cast the imputations which he conceived were contained in the petition on the Catholic members. He was not responsible for the language of the petition, although he concurred in the sentiments of the petitioners, as to what they conceived the measure contemplated by the noble Lord would be, and he fully agreed with them in regarding it as an act of sacrilegious robbery and spoliation.

Mr. *O'Connell* said, that, most assuredly, no one could describe the petition as not going far enough in its language. Indeed, the expressions made use of appeared to him to be outrageously violent, calumnious, unfounded in truth, and uncalled for. Yet, though possessing all these unprepossessing qualifications, he was, by no means, prepared to say that its language was altogether unparliamentary. Though many Members of that House were therein grossly attacked with calumnious insinuations, yet, as the petition did not exactly describe the persons whom it vilified as Members of Parliament, it was hardly competent in the House to object to it as a matter of form. It would be best to treat it with the compassion of contempt, and at once allow it to be received. It was at least worthy of notice as a rich specimen of the extent to which bad taste and lying might be carried; and Heaven forbid that the freemen of South Lancashire should be deprived of their right of lying, though they certainly seemed to exercise the privilege to a most outrageous extent. He would at once say, let their lies and the petition which contained them lie quiet on the Table. It was satisfactory, however, to find that the hon. Member who introduced the petition did not coincide with its subscribers in the charges which it contained.

Mr. *Trevor* begged to say, that he had only expressed himself as not participating in the charge of perjury which it had been alleged that the petition set forth, though for his own part he had been unable to discover any such charge.

Mr. *O'Connell* said, that if certain Members of the House were not directly charged with perjury by the petitioners, there was, at any rate, set forth a very unequivocal sort of insinuation to that purpose; and he would put it to the hon. Gentleman's good taste and judgment whether this latter method of attacking those Members was not ten times more base and cowardly than a direct charge? There was a method of meeting a direct charge put in an honest and manly way, but there was none of answering a charge when made in the contemptible shape of an insinuation. If any hon. Members agreed with the petitioners in their sentiments on this subject, he wished they would get up and make a decided and positive charge, instead of leaving the matter to be brought forward in the shape of these contemptible and cowardly insinuations, fit only to form part of the ribaldry of certain newspapers. In reference to one subject alluded to by the petitioners, he would observe, that he should be most glad if some hon. Member would bring forward the subject of the Catholic Oath in the practical shape of moving that it be abolished. For his own part, though, of course, he had taken the oath, there was one part of it which he did not like—he referred to the words "Protestant Government." He could not understand what was meant by calling this Government a Protestant Government, when, in fact, there were only three offices to which Roman Catholics were not eligible. He had concluded, however, that it meant the "existing Government," and in this sense he had taken it; and he had more than once explained to the House that this was his construction of the words, and had called upon any hon. Member who could prove him to be wrong in it, to move his expulsion. In the course of last Session, the "existing Government" had expressed their entire concurrence in the meaning he had adopted, and no hon. Member had had the courage to take up the challenge he had thrown out. As to the Motion of the noble Secretary for the Home Department, he saw nothing in the oath he had taken which should prevent his voting for it, for he saw nothing in it to injure the Protestant Church; on the contrary, the measure proposed appeared to him eminently calculated to preserve that Establishment. He should have voted precisely the same way if it had been the Catholic Church which was in possession of revenues so disproportioned as the revenues now in question were to the extent of the recipients of its spiritual instruction. He would have done so from a conviction that the scandalous robbery, the gross peculation, and disgraceful love of the mammon of the world, which necessarily arose out of such a state of things, would inevitably infringe upon, and destroy all respect for, true religion, and its ministers, feeding, fattening, gorged, on the plunder of Protestants, who, under the supposed circumstances, would constitute the overwhelming majority. He would have done so as a Catholic anxious to remove the causes which he should hold as tending to prevent Protestants from considering the truths and embracing the principles of the Catholic faith. Why should not the Protestant Members look at the question in a similar point of view? To what did they attribute the fact, that during all the past ages Protestantism had made so little way in Ireland, believing, as they did, that faith to be the true one, and knowing, as they did, that truth in almost all cases was omnipotent? Must they not consider that their religion has not had fair play? Must they not feel that a very natural prejudice had been created and continued against it by the excessive and overgrown wealth of its clergy, and the nature of that wealth, and by the injustice and oppression which the Irish nation suffered in their political degradation. If other reasons could be assigned why the Catholics did not become Protestants, they were, probably, "prejudice or ignorance." Now, in the first place, that people knew that the whole of the Church-property in Ireland had been originally given for Catholic purposes, such as the education of Catholics, the maintenance of the

Catholic clergy, the celebration of mass, prayers for the dead, releasing souls from purgatory. [“*No, no!*”] Surely the hon. Member who cried “No, no!” could not be so totally ignorant of history as not to know that such was the nature of the original endowments? At any rate, the Irish people knew it, and this knowledge in no slight degree aggravated their sense of the injustice under which they suffered. It might, perhaps, be said, too, that the Catholics did not become Protestants because of their ignorance. Now, what was the object of the noble Lord's proposed Bill? First, of course, that the spiritual wants of the Protestants in Ireland should be fully taken care of. Surely this was all that was necessary for them! Oh no: it was not the actual spiritual wants of the Protestants there that the opponents of the Bill confined their aspirations to;—what they wanted was the pounds, shillings, and pence of the establishment. Oh shame! he would exclaim, upon those who looked upon religion, not as a pure feeling between man and his Creator, but as a mere vehicle for realizing paltry pelf, and enriching themselves with the mammon of the world. But, admitting that it was the ignorance of the Catholics which kept them from becoming Protestants, surely no hon. Member could conceive a more advantageous or glorious mode of bestowing the surplus of the Church of Ireland's revenues than in freeing the Catholics from the deplorable ignorance described, and thus enabling them to appreciate the superior claims of the Protestant faith. All he asked was, that, after educating the Catholics, they would give both religions a clear stage and no favour, and God defend the right. It had been said as much as that the oaths of the Roman Catholic Members were of no force as regarded the approaching subject, for that there were decrees of the Popes against taking oaths prejudicial to the interests of the Church, and absolving Members from perjury who forswore them. But this point had been misrepresented. The decrees in question did not acquit a man of perjury who had made oaths and violated them, but declared the perjury to consist in the taking of oaths prejudicial to the interests of the Church—not in breaking them. In the Catechism which he had learnt from, perjury was defined the breaking of a lawful oath, and the making an unlawful one. The same authority which forbade the one, had a right to prohibit the other. That the Roman Catholics abhorred the taking an oath against their consciences, was put beyond the doubt of all but the most unblushing calumniators, by the fact, that for so many years they had been kept out of Parliament solely from their conscientious feeling in this respect. In conclusion, he hoped the hon. Member for Durham would before long make some Motion on the subject of this oath. As to the ribaldry of South Lancashire, or the lies of Durham, they excited nothing but his contemptuous compassion.

The Petition was laid on the Table.

St. Pancras Paving Bill.] Sir Samuel Whalley moved the second reading of the St. Pancras Paving Bill.

Lord *Stormont* opposed the second reading of the Bill, on the ground, that it was intended to amalgamate the several distinct Boards of the parish into one Board, and thereby to saddle the exorbitant debts of some of the districts upon the rest. The parish was divided into nineteen districts, but so much opposition was anticipated from two of them, that the promoters of the Bill had thought proper to omit them. He concluded by moving, “That the Bill be read a second time this day six months.”

Mr. *Tooke* having opposed the Bill during the last Session, he now saw no reason to alter his opinion. The public would gain nothing from the proposed change, for the power of the Committee would fall into the hands of the Vestry, very few of whom attended. He had presented several petitions from inhabitants, and more had been presented from bond-holders, who were of opinion, that their claims would be prejudiced, by having a fluctuating body like the Vestry substituted for the respectable trustees. He, therefore, with pleasure seconded the Motion of the noble Lord.

Mr. *Hume* would ask, whether it was fit that seventeen Boards should exist with 500 members, while the parish had a respectable Vestry of 100 individuals elected by open poll? It would give a greater security to the bond-holders than they had now. He trusted that the House would let the Bill pass the second reading, and in the Committee every disposition would be shown to afford the best security to every individual.

Mr. *Wilks* said, that, though at the risk of the censure of his hon. Friend, he was prepared to give a vote against the Bill, as he had done before, and he trusted that the House would, as they had done before, throw out the Bill. Parliament had no right to abolish the security of any individual who had lent his money upon the full security of the rates, bridges, &c., which they now had.

Sir *Samuel Whalley* said, that by the Bill, the Vestry were enjoined to raise a particular rate for the payment of the interest and capital of the debt, so that the House would see at once, that the security was not in the least impaired. The last Bill was thrown out because it was opposed by the right hon. Baronet (Sir Robert Peel), who said, " except the Foundling Estates, and I will vote for the second reading," they had now excepted those estates, in justice, not to him only, but to the case itself, for they were situated in two different parishes.

Sir *Robert Inglis* said, the case was not one of party politics at all, and he trusted that the day would never come when local Bills would be so decided. Though St. Pancras was called a parish, it was not to be confounded with those small parishes common in other parts. It covered a very large extent of ground, and contained both town and country parts—then was it fair that those country parts should be under the same regulation as the town ones. He trusted that the Bill would be thrown out by as large a majority as had taken that course last year.

Mr. *Fox Maule* hoped the Bill would pass. He would vote for the second reading, on account of his abhorrence of any public business being done by self-elected bodies.

Mr. *Byng* would vote for the second reading, as he thought it would be much to the advantage of the parish, by abolishing a great number of useless Boards.

Mr. *Henry Lytton Bulwer* rose, amidst loud cries of " Divide, divide." He said, he would support the second reading of the Bill, and he was sure if the right hon. Baronet (Sir Robert Peel) had been in his place, it would have had his support.

The House divided on the original Motion: Ayes 113; Noes 115—Majority 2.

REMOVAL OF ASSIZES (IRELAND).] Mr. O'Loughlen moved the second reading of the Assize (Ireland) Removal Bill.

Colonel *Conolly* begged leave to direct the hon. and learned Gentleman's attention to the county of Kildare, with reference to this measure.

Mr. *Barron* rose to oppose it. He did so, first, because it gave an undue power to the Privy Council of Ireland. And, secondly, because the Bill did not represent the people of Ireland generally. He would let the House into the circumstances of the case. Some years ago the assizes had been removed to the city of Waterford, and the people of Dungarvon (the town which the right hon. Solicitor-General represented) had resolved to support no candidate who did not pledge himself to support the removal Bill. There had been meetings held, and petitions got up, it was true: but where were the meetings held? In the town of Dungarvon, and no person dared to oppose the measure there, for fear he should be beaten out of the town. But meetings were held in other parts of the county, and directly contrary petitions were adopted. He would admit the town of Dungarvon was best situated of the two, in regard to the gentry of the county, the Members of the Privy Council, and such persons: but this town, so much applauded for its " centrical situation," was actually situated at the corner of the county on the sea coast. He maintained, therefore, that though the Bill might be beneficial to the constituents of the right hon. Gentleman, it was not so to the great body of the people of Ireland; and he should therefore move as an amendment, " That this Bill be read a second time this day six months."

Mr. *Wyse* rose to second the amendment. Most of the towns of Ireland were situated at a considerable distance from the extreme parts of the county; take, for instance, the towns of Wexford, Cork, Limerick, and many others, and did the right hon. Gentleman propose to remove the assizes in these cases in the same way as in that of Waterford? And then, where was local taxation to end? One tax after another was thrown upon the counties of Ireland; the county cess, for instance, produced nearly 900,000*l.*, almost one-fourth of the whole taxation of that amount the city of Waterford contributed, from nineteen to twenty thousand pounds; in addition to that they were burdened with a very considerable sum for the lunatic asylum, and other charities; and still with that vast taxation it was proposed to saddle them with the necessity of paying for new gaols and workhouses, which would be the immediate result of the Bill. Another point to be considered was, that the County Assizes were transferred from the city to Dungarvon (he took these merely as illustrations). Now, there were institutions in which the county and city of Waterford necessarily combined, which were supported by the Grand Juries of the county and of the city. What inconvenience must result from adding to the Grand Jury of the city and the Grand Jury of the county, that of Dungarvon, when their aim should be to consolidate the institutions of the kingdom as much as possible. But the hon. and learned Solicitor-General would find the opposition to his Bill extended to other counties besides that of Waterford. There was a general feeling of hostility to the Privy Council jurisdiction. He (Mr. Wyse) was sure that the right hon. Gentleman would think it better that the House should be umpire upon these occasions, instead of giving such a power to individuals whom the nation would not trust, and thus open a door to litigation in the several counties of Ireland, dividing one part of the council against another, and thus defeat the very object they had in view. He hoped the right hon. Gentleman would withdraw, upon further consideration, his Bill for the present. They were burdened with numbers of public duties of far greater importance; and as for a local Bill of that kind, it was not at such a moment that it should be introduced; or, if introduced, persisted in. The hon. Member concluded by seconding the amendment.

Mr. *J. Grattan* hoped the learned Solicitor-General would withdraw his Motion, till there was a general call upon him for it. It was mischievous, at such a period, to introduce such a Bill.

Lord *Morpeth* said, he could not see why a measure, which had proved advantageous for England, should not prove equally so for Ireland. He thought the question of removals could be discussed before as disinterested a tribunal in the Privy Council as before that House. It had been urged that the hon. and learned Solicitor-General might have been biassed by the peculiar circumstances and interests of his constituents. He (Lord Morpeth) did not believe that. But what he rose to suggest to the House was, that hon. Members who might be opposed to the measure would suffer it to be read a second time, on his undertaking, not only that it should not be pressed further till the hon. and learned Attorney-General for Ireland was in his place, but till they had had the opportunity of consulting the representatives of all parts of Ireland.

Mr. *Walker* thought they should assimilate, as far as possible, the law of England and Ireland. But as to the Privy Council of Ireland no body could deny that they were tinctured, deeply tinctured, with intolerance. Now if they were satisfied that the Liberal Government would continue always, he, for one, would not object to giving the Privy Council the power proposed to be given them. But they knew that Government could change, and it might change still; he hoped while they continued true to their principles they would not change: but still they might. Now the Bill gave a power to the Privy Council of Ireland, which was not given to that of England, and therefore he denied that it was assimilating the law of the two countries. It had been said, "there was the control of the Grand Juries." But the Grand Juries were exactly constituted as the Privy Council. He defied any man to point out one liberal man among them. And who appointed the Petty Juries? who the Orange Sheriffs? Now, if the hon. Gentleman wished to assimilate, why did he not assimilate the Grand Juries, and the Petty Juries, and the Privy Councils of the two countries? The Bill was introduced merely for the sake of the electors of Dungarvon, and he hoped the hon. Gentleman would withdraw his Bill.

The *Attorney-General* said, the Bill was a copy of one which he had introduced for England, which had passed without opposition, and proved very beneficial. He hoped there would be no opposition, at least to the second reading.

Mr. *O'Dwyer* could not help thinking that his hon. and learned Friend the Solicitor-General had been dealt with rather harshly. Any one who knew him would be convinced that his motives were pure and disinterested. There could be no doubt that the Bill would be advantageous, particularly in such cases as the county of Cork, where there were parts of the county 70 or 80 miles from the assize town. He acquiesced entirely in the suggestion of the noble Lord, the Secretary for Ireland, but would beg leave to propose, that when a removal was contemplated, notice should be given, that on a certain day the Privy Council would entertain the question; and that any party might by counsel, or in person, appear before it, and show cause for or against the proposed removal.

Mr. *Barron* was willing to allow that the matter was pressed on Mr. O'Loghlen by his constituents, and by reason of his connection with the town he could not avoid taking such a part in the question. However, if the House were willing that the Bill be read a second time, he was satisfied.

Mr. Sergeant *Jackson* was astonished at the nature of the opposition to the Bill, for there was no real foundation for such opposition. He heard two objections stated—one on the ground of Mr. O'Loghlen's connexion with the town, the other lay to the interference of the Privy Council in Ireland. Now he would distinctly aver that Mr. O'Loghlen did not deserve the unhandsome imputations cast upon the integrity of his motives. His character was far above them. The Bill was a very good one, and of great convenience to the inhabitants of the county. The assizes being held in certain county towns caused great inconvenience and loss to the people. Appeals from the Civil Bill Courts lay to the Judges of Assize. In these the poor were chiefly concerned, the sums under dispute varying from ten shillings to ten pounds. The expense to the poor, who in many cases had to go a distance of seventy Irish miles to the assizes, was attended with great hardship and expense. The attack n the Privy Council was equally unfair and untrue, for a more honourable body of men did not exist, either in Ireland or England. It consisted of men of all shades of politics and degrees of liberality, as it was called. Were the Duke of Leinster and Lord Cloncurry men opposed to the popular interest? Was the Earl of Kenmare hostile to the interests of the Catholic party? In Ireland any member might attend a meeting of the Council without a summons. He believed it was usual in England that the members should be summoned. So that the decisions of the Privy Council might be considered as fair and impartial. He would support the second reading, as he was convinced that the Bill ought to pass.

Mr. *Lynch* was an impartial witness on the occasion, although he had the honour to represent a town in which assizes were held; for that town was a county of itself, which necessarily caused the assizes to be holden there, and it was in the centre of the county in which it was situated — therefore there could be no fear in respect to Galway. He knew nothing of the disputes between Dungarvon and the city of Waterford, nor did he care for them; but he was convinced that the motives of his hon. and learned Friend in introducing the Bill were pure, and for what he conceived to be the public good; and this was the first time he heard it stated as an objection to an hon. Gentleman's bringing forward a measure, that in so doing he consulted the wishes of his constituents. It was with considerable pain he differed from his hon. and learned Friend, but he objected to the Bill, and to the tribunal to whose decision the Bill referred such important matter—for although he did entertain, with many other hon. Members, great respect for several individuals, Members of the Irish Privy Council, the question was, "had the people of Ireland confidence in that tribunal?" He had no hesitation in saying they had not. The case of England did not apply; the people of England might have confidence in their Privy Council—it was differently constituted, and there were not the same party and religious views. He was in favour of assimilating the laws of the two countries, as insisted upon by his hon. and learned Friend, the Attorney General, but he would commence the assimilation by giving to Ireland a good Reform Bill, a good Registration Bill, and a good Municipal Reform Bill, but he would not commence by any measure which would throw such increased power into the hands of Government. Could he be always certain that the country would possess, as at present, a liberal Government, these objections would, in a great measure, be removed. But another and a great difficulty would still remain—the increased taxation of the country—for, as admitted by his hon. and learned Friend, it would be necessary to erect new jails, and new court-houses. How could the country, in its present distressed and impoverished condition, bear increased taxation? This taxation, rendered necessary by the Bill, afforded the only check upon the Lord Lieutenant and Privy Council; and he did not think that the people of Ireland had sufficient confidence in the Grand Juries of many counties in that kingdom to induce them to look upon their sanction as a sufficient safeguard. The noble Lord, the Secretary for Ireland, assured the House, that this Bill would not be pressed forward, if read a second time, until the sentiments of the people of Ireland were ascertained. He saw no difference between that and postponing the second reading, to which he prayed his hon. and learned Friend to consent. If particular circumstances called for interference, an Act of Parliament might be obtained, as in the case of Tullamore.

Mr. *Finn* said, he had an instinctive distrust of the Privy Council, whose powers the Irish people would diminish as much as they could.

Sir *Robert Bateson* remarked on the unusual want of harmony between the self-styled Liberals on the other side. Even on a question of liberality they could not agree, each individual claiming the palm of liberality and integrity to himself. But he (Sir R. Bateson) could not concede that those who assumed so much liberality were in truth liberal. It was by acts and not by professions, or assumptions, that liberality should be tested. The hon. Member for Wexford said there was no liberality in the Privy Council or Grand Juries. But could it be said that it was to be found among those who had so presumptuously arrogated it to themselves? He had been attending Grand Juries for thirty years, and he could declare that a more upright, liberal, and honourable body of men could not be found than those who were so foully, wantonly, and factiously maligned. In the Acts of Grand Juries there was certainly more liberality than in those of their accusers. He should, perhaps, have better consulted the dignity of Grand Jurors by treating the attacks upon them with silent indifference. As to the Question before the House, he thought the assizes should be held in a central town in every county. In the county of Antrim, for instance, the assizes were held in a corner of the county, and it was a great hardship on witnesses and jurors to attend them. So great was the inconvenience felt that most of the Gentlemen wished for a change. The conjoint approbation of the Grand Jury and Privy Council should be attended to.

Sir *Richard Musgrave* said, the majority of the Irish Members were opposed to the Bill; and a public meeting, convened by the Lord Lieutenant, and several Magistrates condemned its provisions.

Mr. *Shaw* vindicated the character of the Privy Council and Grand Juries. The Privy Council did not in the present case sit in open court, as they did when they sat judicially, but merely attended as a mere matter of form to give a sanction to the Act of the Government. The Act complained of was the Act of the Government, and the attacks on the Privy Council could only have proceeded from the grossest ignorance. He lamented that a simple Bill, having for its object the speedy and cheap administration of justice, should be thus made a Question of party. He would support the Bill.

The Bill was read a second time.

MERCHANT SEAMEN.] The House went into Committee upon the Merchant Seamen's Bill.

The Clauses to the Seventh were agreed to.

On Clause Seven being proposed,

Mr. *Carruthers* suggested, that absence from the vessel twenty-four hours before the ship sailed should be visited by the deprivation of a week's pay, instead of two days.

Sir *James Graham* said, that undoubtedly, where the interests of the owners were most deeply embarked, and exposed to the most risk, it would be right that the danger of desertion should be met by a very heavy penalty.

Mr. *George F. Young* remarked, that in order to bring the Question to a definitive conclusion, he would submit as an Amendment, that after the words "period of time," in the twenty-first line, the following words should be inserted:—"or that the master shall be at liberty to hire two other men, and to deduct wages for the persons hired from the wages of the person so absenting himself."

Mr. *Robinson* remarked, that the sailors would not mind sacrificing one day's pay to have their twenty-four hours on shore before the vessel sailed. If three days were inserted instead of two, it would satisfy him.

Alderman *Thompson* would remind the hon. Member what the state of the law on this point was at the present time. If a seaman absented himself for one day while the vessel was loading or unloading, he forfeited the whole of his wages, whereas, as the clause would stand, he could only lose 10*s*. As the clause stood, it would be very prejudicial to the interests of the shipowners.

Sir *James Graham* was understood to deny, that under the present law seamen were liable to the forfeiture of the whole of their wages under the present circumstances mentioned by the hon. Member.

Mr. *George F. Young* remarked, that though the law might not possibly enjoin it, it permitted this forfeiture to be exacted, and it was the universal practice in ships' articles to put in a clause stipulating that twenty-four hours' absence from the ship, while loading or unloading, should be considered as desertion, and be punished by the forfeiture of the whole of the absentee's wages.

The *Solicitor General* thought that the check to be imposed on seamen's quitting the vessel ought to be as small as was consistent with the safety of the owners. He did consider that the loss of two days' wages was sufficient to prevent absence. Eventually, it was agreed that words should be added to the clause enabling the owner to make the sailor re-imburse any expense occasioned by his absence.

On the Eleventh Clause,

Mr. *Chapman* moved as an Amendment, that the word "ten" should be left out, and the word "three" substituted in its place, whereby seamen would have a right to demand the full arrear of payment due to them within three days after their arrival at home, instead of within ten days, as was proposed by the original clause. The hon. Member considered that the evil of allowing sailors to wander up and down the streets for ten days after their arrival in England, exposed to all the temptations that beset them, before they could go to their friends in the country with their wages, or send their money to their friends, would be, in a great measure, avoided by this Amendment.

Mr. *Young* objected to the Amendment, on the ground that it was impossible for the captain to know for what embezzlement sailors might have to be answerable until after the cargo was discharged, and it was only in very rare instances that the cargo could be discharged within three days after arrival.

Sir *James Graham* said, this clause had been originally framed so as to prevent the evil effects which too frequently resulted from the sailor having the whole of his pay the moment he got on shore. Unused as he had been to all indulgence during a long voyage, the sailor joined often the first idle person he met, displayed his money, and became a dupe to persons who were always, of course, lying in wait for such inconsiderate persons. As to the danger there might arise to the captain who was answerable for everything on board to his owners, and whose best security against embezzlement by the sailors arose out of the sailor having to wait some time before his wages were handed over to him, which afforded time to investigate whether any embezzlement had taken place, he assured the hon. Member there would be found sufficient security in another clause in the Bill to which their attention would be subsequently directed.

The Clause was agreed to.

On Clause Seventeen being proposed,

Mr. *Buckingham* observed, that last year he had entertained, in common with the right hon. Baronet, the desire of seeing a system of nominal registration, or registration by name, established; but the present clause simply proposed a registring of the classes and numbers of the seamen. He (Mr. Buckingham) was anxious to see a system of nominal registration in operation, because it would form the basis of a system of ballot and do away with impressment.

Sir *James Graham* was most anxious to see a system of nominal registration. If adopted, he thought it would be successful, but, at the same time, what he now proposed would effect a most material object, by enabling the Government to ascertain the precise state of the maritime population, while it would be a step towards that more perfect system which would accomplish the important national object which he, with the hon. Member for Sheffield, had anxiously in view—the speedy and total abolition of impressment in the navy.

Clause agreed to.

On the Twenty-ninth Clause, which provided that masters or owners of vessels of the burden of eighty tons and upwards should be required to take parish apprentices, or forfeit to the use of the parish the sum of 10*l*.

Mr. *Robinson* observed, that he felt obliged, at the risk of disturbing the unanimity which prevailed in the Committee on the provision of the Bill, to object to the clause which had just been proposed. It appeared to be directed to the accomplishment of two objects; first, to oblige the owners and masters of vessels to employ a certain number of apprentices, with a prospective view of rendering them available, if required, for the public service. So far as the clause was meant to answer that purpose, he had no objection whatever to it; but the part of the proposed clause which he was opposed to was, where it gave to parish officers the power of applying to the Magistrates for an injunction to make it compulsory upon masters of vessels to take into their service parish apprentices, when they did not appear to have on board the number of apprentices provided by this Act. He considered such an interference with the right of the master to choose any apprentice he pleased to be altogether unjustifiable, and particularly when it was employed for the purpose of forcing him to receive into his service a class of persons whom it was most improbable that he would select if the matter were left to his own choice.

Sir *James Graham* replied that the hon. Gentleman who had objected to this clause seemed to think that it contained an innovation in the laws respecting the appointment of parish apprentices to serve in merchant vessels; but the fact was, that the principle was adopted in all Acts relative to this subject since the time of Queen Anne. By the 3rd of Anne it was provided that every master of a vessel of twenty tons burthen should be liable to take parish apprentices; and in case of his not complying with this provision he was liable to a fine of 10*l*. The clause which he (Sir James Graham) had introduced, only revived the principle of the Act of Queen Anne, and differed from it only in these respects, that it altered the liability of vessels from twenty to eighty tons, and directed that the amount of 10*l*. only should be levied on the master in case of his refusing to receive the apprentice selected by the parish; though from the change in the value of money since the time of Queen Anne, he should be justified in naming as high a sum as 18*l*. or 20*l*. The House could not, then, fail to observe, that instead of any infliction being imposed on the masters of vessels, they must derive considerable advantage from the measure which he had brought forward.

Mr. *George F. Young* was of opinion that this clause was calculated to operate most injuriously, inasmuch as it forced on the adoption of masters of vessels parish apprentices, who were a class of persons whom the masters must be very unwilling to receive into their employment, when they could easily procure others of a much superior class, and more likely to give them satisfaction.

Sir *James Graham* protested against the supposition of this clause being considered compulsory on the masters of vessels with respect to the reception of parish apprentices into their service. They need not take those persons into their employment if they were willing to pay to the parish the sum of 10*l*. And if in this respect they could be said to suffer any hardship, they suffered in common with every Gentleman in England, who was liable to be called upon to receive parish apprentices into his service. The policy of England had been, since the time of Queen Anne, to encourage the employment of her seaport population in merchant vessels.

Mr. *Hume* observed, that the only just ground upon which any alteration ought to be made in the old laws was, that they contained provisions which were not reconcilable to expediency and justice. He certainly considered that the clause in question was one which interfered with the free choice of the masters of vessels in a manner that was indefensible.

Mr. *Charles Wood* remarked, that the master of a vessel was placed, by this Act, on a superior footing to the country gentleman or shopkeeper; for the latter were subject to have parish apprentices forced upon them by the parish authorities whenever a vacancy occurred in their service; but the masters of vessels were exempted from the operation of the clause, in case their vessels had the number of apprentices required by the Act.

Mr. *O'Connell* re-called the attention of the Committee to the fourth clause, by which it was provided, that persons above the age of thirteen, and under the age of twenty-one, who should be found chargeable to the parish, or whose parents should beg, should be taken up and sent to sea. This clause applied, of course, to the

United Kingdom; and was one, he thought, of great hardship.

Sir *James Graham* said, that such had been the law in England for above a century, but there had been no instance of any grievous application of it.

Mr. *Ewart* did not see why they should not get rid of a bad regulation, if it were one.

Mr. *Pease* observed that if parish apprentices were to be forced upon the owners of ships in the way contemplated by the Bill, those owners would never be able to get respectable apprentices again.

Captain *Berkeley* supported the clause. In an attempt to get rid of a great evil, a smaller one might well be endured.

Alderman *Thompson* stated that the ship-owners, especially of Sunderland, objected to the description of apprentices which the Bill would compel them to take. They frequently sent their own sons to sea as apprentices, and would not like to have for associates such boys as those contemplated by the Bill. It was said, indeed, that the shipowner could get rid of the compulsion by the payment of 10*l*. But was not such an option destructive of the professed object in view, namely, to create a nursery for seamen? Why should the shipowner be prevented from selecting boys most fit for the service.

Sir *James Graham* had no objection to withdraw the 29th and 30th clauses, if it were understood that no objection would be made to the 51st, which was the most stringent one, as enabling authorized persons to go aboard vessels and see if they had a proper number of apprentices.

Mr. *Young* thought that the shorter way would be to provide that the owners should show the indentures of their apprentices at the Custom-house, before the vessels were allowed to clear out.

The Clause was agreed to.

On Clause 45 being read, which permits sailors on board merchant vessels to quit them, and volunteer into the King's service,

Mr. *George F. Young* said, that he could not help expressing his most decided objection to the clause. It involved the infraction of one of the first principles of justice, and tended to the demoralization of the seamen, whom it encouraged, after they entered into a solemn agreement with the shipowners to serve for a stipulated time, to break through their compact and volunteer into the King's service. He would divide the Committee on the clause.

Sir *James Graham* thought that the seamen should have the right of changing from the Merchants' to the King's service if they chose, or saw any advantage in so doing. As they entered voluntarily into the merchant service, they ought to have the power of quitting it when they pleased for the King's service. He called upon the House not to reject the clause, and stop the only avenue through which, on foreign stations, the King's navy could be manned. It was impossible to overrate the advantages of this clause, and he would rather renounce the Bill altogether than give up the clause.

Mr. *Robinson* was sorry to disagree in opinion with the hon. Member for Tynemouth. It certainly was a hardship on shipowners, that sailors should have the power of quitting their service, and entering the Royal navy, before the voyage which they agreed to perform was finished. Though he was a shipwowner, he would allow the clause to pass in consideration of the great question of public policy it involved.

Mr. *Alsager* stated, it had often occurred to him to have a great portion of his crew, as many as thirty at a time, leave him in foreign ports, just at the time he most required their labour, and go on board the King's ships, induced to do so, by being told they would have less to do, and better recompensed. He thought the clause, if it passed, should be so framed as to compel sailors to finish their work on board merchant vessels, before they were allowed to engage in the Royal navy.

Sir *E. Codrington* expressed his approbation of the Clause.

Mr. *George F. Young* opposed it, as calculated to demoralize the British seamen. He should wish, at least, to have it applied only in time of war.

Mr. *Buckingham* opposed the clause, and again called on the Government to give some pledge from the Government against the impressment of seamen.

Sir *James Graham* said, that the only argument he had heard against the clause was, that it tended to the immorality of inducing breaches of contract. It should, however, not be forgotten that if the clause passed, it would be known to all parties, and it would be competent to them to frame their contracts accordingly.

Sir *Edward Codrington* supported the

clause, as being calculated not only to do away with the necessity of impressment, but also to make the King's service more attractive to seamen.

Admiral *Adam* said, that if the clause was given up, the Bill would entirely fail in one of its principal objects.

Mr. *Hume* thought that some provision ought to be made, limiting the extent to which volunteers should be allowed to go away from a merchant ship into the King's service.

Sir *James Graham* said, that the Bill contained such a provision of limitation. According to the instructions of the Board of Admiralty, no officer could unnecessarily take men out of merchant ships.

Captain *Berkeley* corroborated the statement of the right hon. Baronet, and added, that a proof was afforded that a preventive existed in the fact that Admiral Sir C. Paget had been proceeded against for taking men out of an East Indiaman, and had been cast in the costs of the trial besides damages.

Admiral *Codrington* said, that were he the commanding officer, of an officer who had distressed a merchant ship by taking an improper number of men, he should direct them to be restored, and at least reprimand the officer.

Mr. *Bagshaw* suggested that the clause might limit the number to be taken, to all over three men to every 100 tons, which, as four men were counted the proper complement, would be allowing a deduction of 25 per cent.

Mr. *Ruthven* said, that he would not do the naval officers of the country the injustice of supposing, that they would act improperly, but the House ought not by such a clause as this to place temptation in the way of seamen, to break through their engagements.

The Committee divided on the Clause: Ayes 47; Noes 15—Majority 32.

List of the NOES.

Alsager, Captain R.
Bowring, Dr.
Bridgeman, H.
Buckingham, J. S.
Ewart, W.
Gisborne, T.
Marsland, H.
Pease, J.
Ruthven, E.
Thompson, Alderman
Thorneley, T.
Trevor, A.
Tulk, C. A.
Wallace, R.
Teller—Young, G. F.

The remaining Clauses of the Bill were agreed to, and the House resumed.

HOUSE OF LORDS,

Monday, June 1, 1835.

MINUTES.] Petitions presented. By the Earl of MANSFIELD, from Aberdeen, against the Abolition of Imprisonment for Small Debts.—By the Earl of RODEN, from Cork, for the Protection of the Established Church of England and Ireland.—By the Marquesses of LONDONDERRY, and CAMDEN, and Earls DARTMOUTH, HARROWBY, and RODEN, from several Places, for Protection to the Protestant Church of England and Ireland.—By the Duke of RICHMOND, from the Agriculturists of Sussex, for Relief.—By Lord DACRE, from Great Berkhampstead, for the Better Regulation of Endowed Schools.—By the Duke of GORDON, and the Earls of KINNOUL and STIRLING, from several Places,—in favour of,—and by the Marquess of WESTMINSTER and Lord LYNEDOCH,—against the Grant of Money for Building Churches in Scotland.

FOREIGN AFFAIRS.—SPAIN.] The Marquess of *Londonderry* wished to take the opportunity of asking the noble Viscount opposite some questions upon a most important subject. It was not his wish to originate a discussion on a subject of this deep importance, but he wished to ask some questions. His first question was, whether, since his accession to office, any instructions had been sent out to his Majesty's cruisers off the north coast of Spain to place themselves at the disposal of the Queen's Government? Further, to ask if the arms and stores, which he understood to have been furnished by this country, had been paid for, or by what mode they were to be paid for; and then, whether there were any Spanish vessels which had been fitted out here, and what was their number, and at whose expense?

Viscount *Melbourne* said, that he was not informed as to any instructions having been sent out by the Admiralty; and as to the ships, we were bound to furnish them by the treaty.

The Marquess of *Londonderry*: How are they to be paid for?

Viscount *Melbourne* was not fully informed on the subject. Had the noble Marquess given him notice, he would have informed himself on the subject. He should do so by to-morrow, and would then answer the question. What was the third question?

The Marquess of *Londonderry*: What vessels had been fitted out here, and at whose expense?

Viscount *Melbourne* could not answer this question at the moment.

Subject dropped.

ISLINGTON MARKET.] The Bishop of *London* presented a Petition from 1,734 inhabitants of Islington, in favour of the

Islington Market Bill. The petitioners complained of the evils which were consequent upon the existence of the great metropolitan cattle market in such a place as Smithfield; and they expressed their opinion, that these evils were of such a nature that any Bill for improving and extending Smithfield-market would not remove them, and that it was out of the power of the Corporation to remedy them. They thought that a great part of these evils would be removed if the Islington Market Bill was passed into a law. The objection made to it was, that it would enable an individual to levy tolls on all beasts brought to Smithfield-market; but that seemed to be an evil, if it was one, that would remedy itself; while the moral and physical mischiefs now existing from the driving of cattle to Smithfield-market could not be remedied by any other measure than the removal of the market. The Corporation of London now opposed the Bill; and he might, perhaps, think it improper to vest such a power in the hands of an individual, if any body corporate had come forward to remedy the existing evil; but as years had now elapsed, and no attempt of the kind had been made, he thought that there ought to be granted to an individual who did so the means of compensation for his great outlay. In his opinion, the public gratitude was due for the spirit and conduct of an individual who had embarked so large a sum of money — he believed 120,000*l.*—in such an undertaking as the construction of a market of this kind, with a view to remedy the evils of the existing system. Some years ago, a Committee of the House of Commons had recommended a plan of this sort: but till this one individual had undertaken the task, no one appeared disposed to carry the recommendation into effect.

Petition laid on the Table.

Marriage Law.] Lord *Lyndhurst* wished to call the attention of the House to a matter of considerable hardship connected with the present law of marriage. He proposed to their Lordships a Bill to correct the evil he would advert to. As the law now stood, a marriage within what were called the prohibited degrees of consanguinity was not absolutely void, but only voidable; and any competent person might institute a suit against parties who had contracted such a marriage. Unless the marriage was annulled within the lifetime of the parties who had contracted it, the marriage could never after be impeached, and the offspring would be legitimate. If any such proceedings were instituted, and either of the parties died during its pendency and before sentence, the marriage remained valid, and the legitimacy of the offspring was fully established. Their Lordships must be aware that, from this state of the law, hardships and inconveniences often occurred to the children. The legitimacy of the children might remain in suspense more than half a century. There were many important considerations connected with the subject, to which he should not now advert, since he did not propose to effect any change in the law, except with regard to the simple point to which he now called their Lordships, attention. With respect to what were called the prohibited degrees, there were some doubts whether these degrees were such as were prohibited by Scripture: as, for instance, when the husband marries the sister of his former wife. Our Courts of Law, Ecclesiastical and Common, had decided that a marriage within those degrees was illegal, and it was not necessary now to interfere with that part of the matter; but there was another point of great importance. Marriages within those degrees were valid till they were annulled by sentence of the Ecclesiastical Court. They were called, therefore, voidable marriages. It was the Question of voidable marriages to which he now wished to call the attention of the House. Voidable marriages were such as were contracted between persons within the prohibited degrees of consanguinity; but in his opinion, it was reasonable that the law, instead of declaring them voidable, should declare them absolutely void, at the instance of an individual who became a public prosecutor, so as not to leave the matter, as at present, at the will or caprice of any particular person. It was well deserving of consideration whether the law in that respect might not be altered with great advantage to the public. He should not presume to propose the alteration of the whole law, but should take a more humble course. His proposition was, to legislate upon one of the points he had alluded to. At present, as he had before stated, if a suit was not brought calling in question the lawfulness of the marriage during the lifetime of the parties, it could not afterwards be questioned. He proposed, that if the marriage within the prohibited degrees was not, in marriages hereafter to be celebrated, called in question within two years after the marriage had taken place, or for marriages already performed within six months from the date of this Bill, the legitimacy of the children should never afterwards on that account be endangered. Let their Lordships observe the hardship of the case. Parties might marry and have children born to them; the eldest son might come to the age of twenty-five, and on the supposition, as no proceeding had ever been taken, that he was legitimate, and as such was entitled to succeed to his father's property, he might marry; he might have children; and between ten and fifteen years afterwards there might be a suit in the Ecclesiastical Court; he might be bastardized, and his children deprived of the means and the hopes of that fortune which they had been accustomed to consider as their own—deprived of the estate and of all claim whatever upon it. It was for the purpose of obviating this evil that he should now propose to introduce a Bill. It did not appear to him that any good reasons could be urged against it, but if there were any, they might be disscussed on the second reading. He should listen with the utmost attention to any objections, with the desire to modify the Bill so as to free it from any faults that might attach to its first preparation, and so as to render it fit to meet the justice of the case and to provide for the evils he had described, and for which he desired to find a remedy. The noble Lord concluded by moving that the Bill be read a first time.

Lord *Brougham* said, that the House was under great obligations to his noble and learned Friend for having directed its attention to this important subject. It was perfectly true that there were several defects in the existing system, and of these the one referred to by his noble and learned Friend was the most undoubted. In his opinion the marriage, instead of being declared voidable, should be declared absolutely void. He regretted that the Bill of his noble and learned Friend was not so comprehensive in this respect as to include a remedy for other evils besides those to which it had been limited. Without altering the degrees of consanguinity or altering the law in respect of which marriages were now voidable, it might safely be declared that in future no marriage within the degrees which now made a marriage voidable should be valid, so as to substitute in every case nullity for voidability. When the Bill came to be read a second time, he should make further observations upon it. He wished his noble and learned Friend to re-consider some of the provisions. Whenever statutes of limitation were passed they would, of course, have a prospective operation upon future contracts or rights of another kind; but he thought that in this instance especially, it would be well toapply the rule, that where for several years there had been no suits instituted, no such suits should be instituted in future so as to make an actual bar to the employment of such a remedy under such circumstances. That was the former course in the passing of such statutes, but his noble and learned Friend had adopted the principle of the more modern statutes, and wished to give six months for the instituting of such suits. He had always been of opinion, and his daily experience did but confirm it, that the older plan of the statutes of limitations was far the better. The consequence of the Tithe Limitation Act of Lord Tenterden giving a period within which suits might be brought, was, that many parties were thrust into Court who would otherwise never have thought of appearing there. Suppose it was said that all marriages not questioned on this account within two years after their celebration should never afterwards on this account be questioned. That would be prospective. The retrospective clause should in his mind attach from this very instant. He should wish to see it enacted, that where there were no proceedings now instituted, there should be none hereafter in respect of marriages already existing. The 1st of June, 1835, should be the beginning of the retrospective clause. To gain this advantage, he should be willing to extend the other period of two years to a longer space of time, four or six. [Lord *Lyndhurst:* "five."] Yes, five years; and he would cut off the remedy in other cases, on the ground that where the legitimacy had been so long allowed to remain unquestioned, it must be presumed that there was no good ground for disputing it. There was not one of the old statutes that was not altogether retrospective. That was the case with the statute of James, by which every person was included from the very date of the passing of the Act. The same principle had been wisely adopted in Lord Tenterden's Act, which he, as a Member of the other House, had assisted in introducing, on the subject of acknowledgment of a debt taking a case out of the Statute of Limitations. Before that Act any loose words were sufficient to take the case out of the Statute. Lord Tenterden's Act provided that that should not be done but by a written memorandum; there was no time fixed to limit the operation of the Act, and a case had been prepared to be tried at the Spring Assizes at Lancaster, the plaintiff relying upon proof of a parole promise; but between the time of action brought and trial, the Act passed, and Mr. Baron Hullock said, that the Act being passed, the plaintiff was precluded from recovering, and the defendant had a verdict. That was an instance to show that the general principle of a retrospective statute had been distinctly enforced in modern times.

Lord *Lyndhurst* did not see that any inconvenience was likely to result from adopting this recommendation. The reason why he had not drawn up the Bill in that manner in the first instance, was, that he was very anxious to pass the Bill, and he feared that their Lordships would not allow it without there being some clause to limit its operation for a short period after its passing, so as to enable parties to take proceedings in courts of justice: but as it now appeared that their opinion was adverse to such a clause, he should be quite willing to adopt the proposed alteration. As to the recommendation to declare all such marriages in future absolutely void and not voidable, he should be willing to do so if it could be done in Committee without the necessity of introducing a new Bill.

The Bishop of *Exeter* suggested that there should be some further restriction with respect to marriages within the prohibited degrees which had taken place abroad. He knew of a case of a wretched marriage of this sort, where of course it was impossible for the parties to proceed, as they were out of the jurisdiction.

Lord *Lyndhurst* said, that a limitation to that effect was always introduced.

Lord *Brougham* added, that cases where the parties were of unsound mind, or beyond seas, were always excepted from the operation of statutes of limitation.

Bill read a first time.

HOUSE OF COMMONS,

Monday, June 1, 1835.

MINUTES.] Bill. Read a second time:—Consolidated Fund. Petitions presented. By Lord ROBERT MANNERS, from the Agriculturists of Leicestershire, for Relief.—By Mr. W. WYNN, from two Welsh Counties, for Relief to small Farmers from Statute-labour on Turnpike Roads.—By Sir EDWARD KNATCHBULL, from the Persons confined in the Debtors' Prison at Dover, in favour of the Imprisonment for Debt Bill.—By Mr. EDWARD LYTTON BULWER, from the Agriculturists of Staffordshire, for Relief from County Rates.—By Sir WILLIAM FOLLETT, from Debtors confined in Exeter Gaol, and by Mr. DUGDALE, from those of Warwick Gaol,—for Relief, and for Amending the Laws concerning them.—By Sir JOHN CAMPBELL, from the Magistrates of Edinburgh, against the Impressment of Seamen.—By the LORD ADVOCATE, from Edinburgh, for an Alteration of the Law relating to Joint Property in Scotland.—By Sir GEORGE CLERK, from several Places, against the Duty on Stamped Receipts; from the Society of Solicitors of Edinburgh, for the Repeal of the Duty on Attorney's Certificates.—By Mr. ROBINSON, from the Solicitors of Worcester, against transferring to the Court of Doctors' Commons the sole power of granting Probates and Administrations.—By Mr. WILSON, from Thetford, against the Dissenters' Marriage Bill.—By Mr. BARLOW HOY, from Atherstone, for making Owners, instead of Occupiers of small Tenements, pay Poor-rates.—By Viscount LOWTHER, Mr. CARTWRIGHT, and Mr. F. SHAW, from several Places,—for Protection to the Protestant Church of Ireland.—By Mr. TOOKE, from Tormoham, for Vote by Ballot.—By Mr. POTTER, from Linlithgow, for the Abolition of Stage-coach Duties.—By Sir CHARLES BURRELL, from three Places, for reducing the Duty on Hops.—By Messrs. BROTHERTON and HARDY, from the Handloom Weavers of several Places, for Relief, and for a Board of Trade.—By Mr. WILKS, from Kirton in Holland, for a more strict Inquiry into the Application of Charitable Bequests.

STAFFORD DISFRANCHISEMENT.] Mr. *Divett* moved the first reading of the Stafford Disfranchisement Bill.

Captain *Chetwynd* said, that after what had passed the other night he could not contest the first reading of the Bill, without going into all the details and bearings of the case. He should, therefore, reserve to himself the right of opposing that Bill in the second reading with all the abilities he possessed. He was induced to take that course because, during his short Parliamentary experience he had known that to be the usual way of proceeding. But he begged leave to state to the House that it was not from any fear of the weakness of his case or the apprehension of any opposition that might be brought against him, for he trusted that at the second reading he should be able to make such a statement as to prove that there existed at present no necessity for the Bill and that statements, false, and without foundation, had been industriously spread against the Borough for the purpose of misleading and prejudicing the minds of hon. Members. As a proof of the latter, he would only then refer to the notice of a motion, as far back as the 18th of last May, by the hon. Member for Limerick, for transferring the franchise to the county of Cork, which clearly proved that there existed at least in the mind of that hon. Member no hesitation as to the course he should pursue, even before the Bill was brought in. But he earnestly entreated hon. Members to banish from their minds any false impressions that may have been formed in their minds, and suspend their judgment till they had heard both sides of the question.

Bill read a first time.

THE CHURCH (SCOTLAND).] Mr. *Cutlar Fergusson,* on presenting the petitions in favour of the Church of Scotland, said, the petitioners uniformly prayed for the extension of the benefits of religious instruction, which they considered to be at present not sufficiently distributed to the great majority of their poorer countrymen, nor capable of being effectually secured to them by the adoption of the voluntary principle. They observed that it was, therefore, the more necessary that the Church of Scotland should be enabled to extend its salutary influence by means of a limited aid from the public funds, for the purpose, not so much of enabling her to build new fabrics, as of endowing such new churches as might be built by public subscription. Never had there been so much misconception or misinterpretation on any question brought before Parliament within his recollection, as on this. It had been said that 1,000,000*l.*, 2,000,000*l.*, and even 6,000,000*l.* were needed for this purpose; whereas the whole extent of the grant required would not exceed 10,000*l.* In his opinion if the poorer classes of the people of Scotland or England could obtain religious instruction by means of a moderate grant of public money, the Parliament of Great Britain ought not to turn a deaf ear to such an application. Though the Dissenters of England, and the seceders of Scotland might petition against this grant, they had themselves justified the principle upon which this appeal was made; for the Dissenters paid towards the Roman Catholic College at Maynooth, and other Roman Catholic schools in Ireland, and were often called upon to contribute to the expenses of the Establishment in England. He contended that wherever there really existed a want of church accommodation in this kingdom, there the public were bound to give it. If the people of Scotland would be at the expense of building these edifices, Parliament might fairly be called upon for a small grant, in order to support the minister. There were large towns in Scotland, where the mass of the people were without religious instruction. There were other parishes possessing churches, but which were so extensive that it was impossible for more than a small proportion of the population to obtain religious aid. He was a steady friend to the Established Church of Scotland; it was the religion of his ancestors,—it was the religion which had made his country happy; and he was satisfied that no other church ever diffused so much consolation as this had done. Nothing in the conduct of that church had ever tended to destroy the confidence which the people felt in its efficiency. True, there were at present many able and perhaps influential persons arrayed against it, for the purpose of destroying it; but the spoils of that church would not prove to be very attractive plunder. If the present application were simply for the benefit of extending religious instruction, or for the specific purpose of extending it to a large portion of the people of Scotland, he meant the seceders, he should not object to a Parliamentary grant to facilitate the attainment of such an object. Religious instruction ought to be given to every person. Every man was entitled to a Christian education, based on religious and moral principles; and every man who was unable to obtain it by his own means, ought to have it at the public expense. He did not mean to say that the House of Commons should go to the extent which they were called on by the petitioners to do, without being previously satisfied that the money to be advanced was required for the public good. When the case should have been established—as no doubt it would be—the Parliament of Great Britain would, surely, never refuse the means of extending religious instruction to the poorer classes, for whom it was as much intended as for the rich.

Major *Cumming Bruce* rose to entreat the indulgence of the House, and in particular, to request the attention of the hon. Gentleman, the Member for Falkirk, while he alluded to the discussion which had taken place in the House on Wednesday last, on the presentation of a number of petitions relative to the Church of Scotland. He should do so as shortly as possible. The hon. Member, on presenting some petitions on the same subject, before the recess, had indulged in observations by which a distinguished and estimable clergyman of that Church, considered himself, and the body of men to which he belonged, deeply aggrieved. He had remonstrated by letter with the hon. Member, and after explaining to him in what respect he considered his statements erroneous or unfounded, had called on the hon. Member to acknowledge in his place in Parliament, that he had been misinformed and led into error, as the fair and candid and direct way of counteracting the injurious tendency of his grievous observations. The clergyman to whom he alluded was Mr. Buchan, the minister of Hamilton, who had every right to expect that confidence would have been placed in any statements for the accuracy of which he vouched; for in the correspondence which had taken place between them, and which had since been published, the hon. Member thus expressed himself of Mr. Buchan,—"I have, when in Hamilton, heard of your zeal in diffusing the Gospel, and truth compels me to declare, that had there been more clergymen of the Establishment as zealous as yourself, there would have been fewer Dissenters." Notwithstanding this favorable opinion, the hon. Member, though, in the correspondence alluded to, he professed his willingness to acknowledge that he had to a certain extent mis-stated the circumstances on which his observations were founded, declined to make that full retraction of his injurious charges to which Mr. Buchan considered himself and his brother clergymen, and the cause in which they were engaged, entitled; and Mr. Buchan had in consequence written to him on the subject, requesting that if the hon. Member persevered in refusing what he considered a claim of strict justice, he would endeavour to explain to the House and the public, the real facts of the case. Mr. Buchan felt that this was all that was necessary to his triumphant vindication. He (Major C. Bruce) had indulged the hope that the hon. Member, would on reflection, have felt himself called upon to accede to the request of the reverend Gentleman in its fullest extent; but the hon. Member having thought fit to reiterate his charges, and, as it appeared to him with considerable aggravation, he (Major C. Bruce) considered himself called on, however reluctantly, by a sense of public duty, and of what was due to a respectable and estimable individual, to state, as briefly as possible, the real circumstances of the case, according to the information which had been furnished him—information on which he relied, and which appeared to him to be confirmed by the facts themselves. He was not in the House when the hon. Member, on Wednesday last, presented certain petitions against the present claim of the Church for the means of extending the sphere of her usefulness, and did not hear the observations with which the hon. Member had prefaced the presentation of them. He had, however, heard the few words which fell from the hon. Member at the close of that discussion, in which he specified a number of places at which, he said, the most improper, and unfair, and oppressive means had been used to obtain signatures to petitions in favour of the Church—so far confirming part of the charges of which Mr. Buchan complained. Anxious to know what the hon. Member might have stated in his first speech in allusion to those charges generally, he had looked over the different papers which professed to give a report of the proceedings of that House. With one exception, they were entirely silent as to the first observations of the hon. Member: no word of abridgment, however short, made to them the slightest allusion; and had he found that there was no exception to that silence, he should have been content to have allowed the matter to rest, relying that the speech of the hon. Member complained of before the recess was by this time gone to repose in the "Tomb of all the Capulets." But in looking at the *Courier* newspaper, a journal which had deservedly a great circulation in Scotland, as containing the fullest and most accurate reports of all their proceedings relative to Scotland, he found that ample justice had been done to the hon. Member, and that the ingenious reporter, by blending the first speech, which he had not heard, with the last, which he had, into one connected and harmonious whole, had produced an oration which occupied a whole closely printed column. That column he had thought it his duty to read; and in it, as he had stated, he found nearly all the statements of which Mr. Buchan complained reiterated and with aggravation. Now, the charges complained of were of a very serious nature; if true, highly disgraceful to the parties implicated, and such as, if allowed to pass uncontradicted, would naturally excite a strong prejudice against the claim now made by the Church. He, therefore, trusted the House would indulge him while he attempted to refute and remove them, as he trusted he could shortly do: they were threefold—First, in the particular case of Hamilton, with which, as representing that town, the hon. Member professed himself to be particularly well acquainted, it was stated that, in a circular issued by the Committee of the General Assembly in June last, professing to give an account of the Church-accommodation in Hamilton, they had entirely omitted one Church in connexion with the Establishment in their calculation—Next that, there and elsewhere they had purposely and knowingly kept out of view the Church-accommodation in the places of worship of the Dissenters—and, lastly, that every sort of improper means had been used to get up petitions in favour of the Church, and every sort of deception recommended and practised to swell the amount of the signatures attached to those petitions. Now, with regard to the first charge, Mr. Buchan distinctly stated, that at the time the circular of the Assembly's Committee was issued, the Church in question was not in existence. The hon. Member, as reported in the *Courier*, admitted that in so far his previous statement was erroneous; but instead of a candid and explicit avowal and retraction of his error, he asserted that the authors of the circular knew, or should have known, that it was in contemplation, and that in failing to mention, in a document purporting to give the actual Church room this prospective increase, they were in fact attempting to deceive the public. Mr. Buchan distinctly stated that the authors of the circular were in absolute ignorance of the fact that such increase was contemplated, and that there were circumstances which rendered it impossible for them to know it. So much for that first charge—he might say *ex uno disce omnes*. Then as to the second charge, that the General Assembly's Committee intended to mislead the public by suppressing the amount of Church-accommodation furnished by the Dissenters, it might be sufficient to state that the circular referred to, professed to give an account of the accommodation in the Established Churches only; but he conceived he could prove to the House, and even to the satisfaction of the hon. Member for Falkirk, that no concealment was for an instant, intended.—Why, concealment was impossible, for the existence of such accommodation to a considerable extent was notorious. But the hon. Member was not entitled to assume, as he had done, that all the room in the Dissenting places of worship in Hamilton, was applicable to the limited population of that town, because he had been made aware that there, as elsewhere, the Dissenting congregations were gathered from several parishes adjoining the place of worship, and any account which did not refer to this circumstance in comparing the amount of such accommodation with the population of a particular parish, was partial and calculated to mislead. But let the House look at the questions put by the Assembly's circular in June last. The second asks "how many places of worship are there in your parish, and to what denomination of worshippers do they respectively belong?" Did this show a desire to conceal their existence? But he would read one of the replies to that circular, which would show that those to whom it was addressed were at all events not participant in the intention to mislead the public. No. 2 of these replies was in the following words:—"There are the parish kirk, a chapel in Airdrie, and four Dissenting meeting houses in Airdrie, two of which belong to the New-Light burghers, one to the Old-Light, and one to the Cameronians." It goes on to state that the congregations in the Dissenting meeting houses in Airdrie are composed of people from the surrounding parishes. "Were they all well filled, they might contain among them 2,000 sitters, but several among them are very poorly attended." So far from seeking to suppress the facts as regarded the Dissenting Church-accommodation, the Clergy of the Church have been forward to acknowledge and point out the extent to which the dissent had supplied the deficiency complained of. In a pamphlet, published by Dr. Chalmers, whose name is a sufficient guarantee against intentional incorrectness, entitled "Specimens of Ecclesiastical Destitution in Scotland," is a table exhibiting the results of the inquiries made in reply to the Assembly's circular. The table includes expressly the number of seats rented in the chapels of all denominations of Dissenters, and the following inference is drawn from those results. Dr. Chalmers says, "Our second inference respects the amount of contribution made by the Establishment, and by Dissenters, respectively, to the amount of Christian education in any given district. For example, in district No. 27 there is a population of 253, with twenty sittings, or less than one in twelve upon the whole. Of these seven belong to the Establishment and thirteen to the Dissenters. Take away the Dissenting seat-holders, and the proportion is reduced to one in thirty-six." Now, was there the shadow of a foundation for the charge made by the hon. Member against the Church when he said that the amount of accommodation furnished by the Dissenters, or the actual good done by them in the cause of religious education, was kept out of view? There remained the last accusation relative to the improper means used to obtain signatures to petitions favourable to the Church. The hon. Member had reiterated this charge. On examination he believed it would prove as destitute of foundation as the other two charges. Mr. Buchan indignantly denies its having any truth in his own parish, or, as far as his knowledge extended, in any other; and the hon. Member was in fairness bound to have stated that denial, which as reported in the *Courier,* he had omitted to do. His own belief was, that the hon. Member, who was incapable of intentional misrepresentation, had been grossly deceived. He was professedly a collector of grievances, and like the collectors of other curiosities, he was likely to be imposed on. He believed his curiosities were genuine; he would not knowingly even exaggerate their value; but then he always looked at them through coloured spectacles, and his powers of vision, enfeebled by too constant exercise, had come to require immense magnifiers. As far as his (Major Bruce's) own experience went he could confirm, in the fullest manner, the denial of Mr. Buchan. He had presented a number of petitions in support of the Church—he had examined the signatures attached to them; in general the designation and residence of the individuals were attached to the names, and proved them to be highly respectable; and there were no names of children or of women, as he was informed, which was one of the charges of the hon. Member; though in such a matter, he did not see why women should be precluded from signing such petitions. But could no charges of improper practices and undue means, be brought against the petitions adverse to the Church. It was, indeed, not worth while to bring them, because a question of this kind should not be decided by the number of signatures for or against it, but by the reason and justice of the case made out. But as the friends of the Church were taunted in this way, what was the case with the Edinburgh petition, the *monstre-proces,* he might call it, presented on Wednesday by the hon. and learned Attorney-General? Why, he was in Edinburgh at the time, and saw the streets placarded with invitations to the people, "to make haste and sign the petition against new taxes in support of the Church,"—and the whole radical army of placard-bearers was in motion, to the great hindrance of the lieges, groaning beneath the weight of the standards and banners of that unholy and disgraceful warfare. In other places, in Nairn and Forres, as he was informed, petitions against the Church, purporting to come from those towns, had been hawked about through all the surrounding parishes in the country, and lads dragged in on market days from the streets, and, indeed, in a state of half intoxication, to sign them. It made one sick and sorry to see the miserable shifts to which the enemies of the Church had recourse, to obstruct the fair claims of the humbler classes from being properly considered—and still more was it to be deplored, that learned and hon. Gentlemen should lend the sanction of their great names to keep up and foster the delusion. As to the assertion which seemed to weigh so much with the hon. Member for Kilmarnock, that the petitions for an increased grant did not emanate from public meetings, was it to be contended, that no petition was deserving of attention, which did not originate in that way? But, in the first place, it was not true that these petitions did not, in several instances, emanate from very numerous meetings. He had attended one such in Edinburgh, where the objects of petitions favourable to the Church, were received with unanimous and marked enthusiasm. No petition was proposed, because the gentlemen who took the lead at that meeting, were aware that petitions were contemplated, or in actual course of signature in the different parishes of the city, and they were unwilling to originate a petition which might be signed by parties who might have signed, or be called on to sign, similar petitions in other places. Was there anything like deception in this? Was it not in the highest degree fair and honourable? He had also attended a public meeting at Forres, where the subject was fully discussed, and the object unanimously approved of; and he had, as a consequence, presented a petition, numerously signed, from that place. At Glasgow a similar meeting had been held, on a requisition signed by about 1,000 persons. One had but to look at the names attached to that requisition, to see that the wealth and respectability of Glasgow, was heart and soul favourable to this great and good object; and yet hon. Members had ventured to talk of hole and corner meetings. In extensive country parishes, to be sure, and where the mere extent proved the reasonableness of such petitions, it was absurd to expect that people should waste their time in travelling to attend public meetings. There they had no popularity to hunt after—no agitation to promote. He had presented a petition from a parish sixty miles long by twenty-five broad; it contained, scattered over this extent of muir and mountain, a population of 8,000 souls. Would the hon. Member, the friend of civil and religious liberty all the world over, deny to these 8,000 persons the right by petition to make their wants and wishes known to this House? He had presented another from the island parish of South Uist, extending forty miles in length, by twenty-four in breadth, intersected by lakes and arms of the sea. Was a public meeting to be expected there? Why, the day fixed might happen to be tempestuous, and even the practised voice of the hon. Member might be drowned amid the roaring of the waves, and the moaning of the tempest, on those wild and storm-beaten shores; but was that a reason why we should aggravate the geographical infelicities of their position, by telling them that because it was inconvenient, or dangerous, or impossible for them to indulge in public meetings, that, therefore, their petitions should not be held entitled to as much attention, as those of the carters of Tranent, or the nailers of Carron and Falkirk? The House, he was sure, would not sanction any such injustice. It would receive and consider the petitions of all classes of the people, and deal with them in a dispassionate and enlightened spirit, in the way which it judged best calculated to promote the general interests of the empire. He begged pardon for having trespassed so long on the attention of the House. He had carefully abstained from touching the general question involved in the petitions he held in his hand from Nairn, Avoch, and Brimisgarry, in support of the Church, but he thought that when the question did come before the House, some time even would be saved by his thus endeavouring to clear away some of the rubbish with which it had been sought to encumber the plain ground on which so important a matter should stand before the House.

Petitions laid on the Table.

Mr. *Gillon:* Having been personally alluded to by the hon. Gentleman, the House would, he was sure, allow him the opportunity of explaining. In presenting some petitions against any additional grant for the Church of Scotland, he did make certain statements with respect to the rev. Mr. Buchan, which, in some respects, were misrepresentations. He had been led into an error, when he asserted that the Church alluded to, as being in connexion with the Establishment, had been purposely kept out of view. It was at that time unfinished, but it was now so far completed, as to be sufficient for the accommodation of 640 persons, while the galleries were calculated to hold 400 or 500 more. The second charge he had made was, that the Committee of the General Assembly had purposely and knowingly kept out of view the places of accommodation provided by the Dissenters of Hamilton. It appeared that, in Edinburgh, although there might be a deficiency in the Church accommodation, strictly speaking—yet, that when the actual accommodation afforded by the Dissenters, was taken into the account, there was a surplus of accommodation. It also appeared, from a statement of the Church accommodation in several towns, among which Hamilton was included, that, at the latter place—although there was a deficiency of accommodation, if the dissenting places of worship be left out of the account—yet, being included, there was, as at Edinburgh, a surplus. With respect to his third charge—that improper means had been used to get up petitions in favour of the Church—he merely repeated what was stated to him, on most respectable authority—namely, that in the great majority of the towns much misrepresentation had been made use of, in order to obtain signatures to these petitions. In one case, in a parish in the town of Dumfries, sixteen individuals stated, in a petition to the House, that they had been misled in being induced to sign a petition in favour of additional endowment to the Church of Scotland; and that they had since signed a counter-petition. He was responsible for these statements, and would produce his authority, if called upon. With respect to what the hon. Gentleman had said as to the rev. Mr. Buchan, he was ready to believe that he deserved credit for his zeal in the discharge of his duties. As to what the hon. Gentleman had said respecting the means resorted to, in Edinburgh, in order to obtain petitions against the grant; surely, if the people felt themselves aggrieved by the proposition, to impose new taxes for the enlargement of the Church accommodation, they were right in resorting to whatever fair and legitimate means were within their reach, in order to obtain signatures to petitions, against what they conceived to be a scandalous act of injustice. It was said that 7,000,000*l.* or 8,000,000*l.* will be necessary to accomplish the object, and he could not think that they were very wrong who went upon that calculation; for, if the intended measure was carried into effect to the extent desired by some of the petitioners, less than 800 Churches could not be required; and they could not be erected under that enormous sum. Certainly parties differed as to the amount. When the Tories were in office, the demand, which was formerly 5,000*l.* a-year, was increased; to what amount it might have been increased, had that state of things continued, he could not tell—but they now asked for 8,000*l.* a-year—to be gradually increased. He protested against the rank injustice to the public and to the Dissenters, which was implied in the grant of this money. He had yet to learn that the Church of Scotland had increased in usefulness. He had always considered that the voluntary system was the great advantage of the Church of Scotland. It was in full operation, as was evidenced by the fact, that even the poorest classes subscribed to the maintenance of the ministry. He had yet to learn, moreover, that there was any ground for providing any additional Churches, where there was already sufficient accommodation. It was not by such means that the influence of religion would be advanced in Scotland. In the Highlands there was, in many places, a deficiency of accommodation; but, such was the nature of the country, and so situated were the population, that unless there were to be a chapel in every farm-house, full and universal accommodation could not be provided. Such, however, was the zeal of the people of Scotland, that they came forward, of their own accord, with money for all these purposes. The right hon. and learned Member for Kirkcudbright, the most liberal of the Members who had spoken on the other side of the Question, had expressed an opinion to the effect, that the Dissenters, also, would be entitled to benefit by the interference of the House; but the Dissenters of Scotland did not wish for any such intervention. They were ready to come forward, according to their means, with the funds necessary for the diffusion of the Gospel; and it was much better that there should be a generous rivalry between them and the Establishment, than that either should come down to the House with petitions for money. It had been said that the object of the Establishment was to undersell the Dissenters in the market. What would the House think of a company of fishmongers who undersell other salesmen with the money of the public? He would like to see competition, but not with the public money.

MR. JOHNSTON AND HIS CONSTITUENTS.] Mr. *Andrew Johnston* said, that a gross and unprovoked attack having been made upon him in some of the public journals, he begged to put a question to the hon. Member for Hastings, who had been intrusted with a petition bearing on the case. He wished to know when the hon. Member intended to bring forward that petition, in order that he might have an opportunity of replying to the allegations contained in it in his place? He hoped, as the petition conveyed a serious charge against him, that the hon. Member would present it without delay.

Mr. *Elphinstone* said, that a petition had been consigned to him by an individual, referring to some peculiar circumstances that arose in relation to the hon. Member for St. Andrew's and his constituents.—Since the petition came into his hands he had had an interview with the petitioner, who authorized him to abstain from presenting it, provided the hon. Member would consent to refer certain documents, which he would mention, to gentlemen whom the hon. Member had himself chosen as arbitrators in the case to which the petition related. He was willing to present the petition notwithstanding, if that should be thought the better course, although he feared it might be found to be rather irregularly worded. The documents which he ventured to suggest to the hon. Member to refer to arbitrators were, first, a statement published by the electors of St. Andrew's; and second, an affidavit sworn to by—

Mr. *Hume* was sorry to interrupt the hon. Gentleman, but must observe, that unless the hon. Member meant to conclude by presenting the petition, there was no question before the House.

Mr. *Elphinstone* was ready to present the petition as a matter of form, and would read it, if the House wished.

Mr. *Andrew Johnston* said, that as an extraordinary attack had been made upon him in his public character, he trusted the House would extend its courtesy to him in the same manner as had been done in the case of other hon. Members on different occasions, and afford him an opportunity of meeting the charge.

Mr. *Elphinstone* observed, that he had already previously informed the hon. Member that he intended to lay the matter before the House. He would now proceed to read the petition, offering no comment on its contents. The petition was from Robert Anstruther, Esq., of Third Part, in the county of Fife, and the petition set forth, that Mr. A. Johnston had been elected for the borough of St. Andrew's, and had publicly pledged himself to resign his seat in case a majority of his constituents required it. The following was a copy—

[Considerable confusion occurred here, several members exclaiming, "The prayer; read the prayer of the petition."]

Mr. *Elphinstone*: The prayer of the petition was, that the House would be pleased to take into consideration a matter so gravely affecting the honour of a Member of the House.

Mr. *Goulburn* said, that he doubted very much whether this was a petition which the House could entertain. The hon. Member had been elected by his constituents to represent their interests in Parliament, and it was for the hon. Member alone to consider what was his duty in that situation. When the regular opportunity of another election was afforded, then would be the period for the electors to express their opinions on the subject.

Mr. *Hume* rose to order. A Member stated that his character had been assailed and asked for an opportunity to defend himself. The House ought to give the hon. Member the opportunity he claimed.

Mr. *Williams Wynn*: How could the House entertain a petition which asked it to inquire into allegations affecting the honour of a Member? If the House were to admit this principle, the whole of its time might be taken up in such investigations, especially if everything which any petitioner thought likely to affect the honour of a Member were to be inquired into. It appeared to him that this was not a matter in which the House had jurisdiction, and therefore he was averse to proceeding further with it.

Mr. *Hume* said, that the right hon. Member for Montgomeryshire seemed entirely to have forgotten the part he took in the case of Mr. Walsh, which occurred at an early period of his (Mr. Hume's) Parliamentary life. Mr. Walsh was considered guilty of a moral, but not of a legal offence, having, under particular circumstances, defrauded an individual of Exchequer bills, and the House expelled him, the right hon. Gentleman having himself brought in a bill on the subject. It was true that he (Mr. Hume) was one of the sixteen who had opposed that proceeding, on the ground that if the House constituted itself a censor of the moral conduct of individual members, there would be no end to such matters.

Mr. *Williams Wynn* observed, that the hon. Member for Middlesex spoke in total ignorance of the circumstances to which he had referred. In the case of Mr. Walsh there was this little previous circumstance (omitted by the hon. gentleman,) that Mr. Walsh had been indicted at the old Bailey, and was convicted by a jury; but the sentence was remitted on a technical ground, it being matter of doubt whether Exchequer bills were or were not articles the embezzlement of which was felony under the then existing law.

Mr. *Hume*: The sentence on Mr. Walsh had been reversed, and therefore there was no charge against him, as far as the law was concerned, he was merely exposed to the imputation of moral guilt.

Mr. *Elphinstone* thought that there could be no fairer course than to lay the document before the House.

Mr. *Methuen* rose to order. The House ought not to constitvte itself a judge in such a case: it was a matter between the hon. Member and his constituents.

Mr. *Robinson* thought it was due to the hon. Member for St. Andrew's, either that the petition should be withdrawn or that the hon. Member should have an opportunity of defending himself. As far as his experience extended, hon. Members, when accused, had always been allowed to vindicate themselves. It was a question of feeling and discretion, however, on the part of the House, for, he admitted the discussion to be altogether irregular.

Lord *John Russell* understood that the hon. Gentleman proposed to bring forward the petition with a view to obtaining some decision on the subject, but he agreed with the right hon. Member opposite that this was a question upon which the House could come to no decision. It was a question between a representative and his constituents with regard to certain statements which he was supposed to have made to them. He recommended the hon. Gentleman not to bring forward a petition of this kind on such grounds, especially as he did not appear to be prepared with any specific motion on the subject.

Mr. *Roebuck* hoped that the hon. Gentleman would persevere; when the hon. Member for St. Andrew's called on the House to afford him an opportunity to refute the charge made against him in his character of a member of that House, it was only fair to hear his vindication, as otherwise the charge would continue to hang over him unless he had an opportunity to wipe off the stain.

The *Speaker* said, the only question before the House was, whether the hon. Member for St. Andrew's should be allowed to speak upon a petition not yet presented, and to give a full explanation of his conduct.—The House might perhaps not consider the present a convenient opportunity, inasmuch as the petition appeared to be of a nature which could not be received. The House had not hitherto entered into discussions between constituents and representatives; whereas the prayer of the petition required that it should do so in this instance.

Mr. *Andrew Johnston* thought it due not only to himself, but to the House, to take the earliest opportunity of bringing the Question before it. He was now ready to adopt any course that the House might desire, and would either avail himself of its indulgence now or at a future period: but he certainly felt very anxious to answer this extraordinary charge. He did not ask the favour of a hearing as a private individual, but as a Member of the House, against whom an attack had been made in language inconsistent with the credit and character of a Member of Parliament. He trusted that, as on former occasions the courtesy of a hearing had been extended to Members under similar circumstances, he might now or on the first convenient opportunity be allowed to vindicate himself.

Mr. *Pryme* understood that the question before the House was, that the petition do lie on the Table. [" *No, no.*"]

The *Speaker* said, that the petition had not been brought up. The hon. Member was proposing to present it when he had been called on to read the prayer of the petition, that the House might see whether it could be received.

Mr. *Pryme* was going to propose that the debate on the Question should be adjourned till to-morrow, but as he understood that would be irregular, he would throw out a suggestion instead of making a motion, and proposed that if the hon. Member for Hastings would bring forward the petition to-morrow or on a future day, on the Question that it do lie on the Table, the hon. Member for St. Andrew's should have the opportunity of explaining and vindicating his conduct, whatever might be the ultimate decision of the House on the petition.

Mr. *Shaw* apprehended, that without any motion or question being before the House, any hon. Member might fairly claim its indulgence to offer any explanation in answer to a charge affecting his character as a Member of the House.

Mr. *Gillon* trusted, that whenever the subject should be brought on, the hon. Member for Hastings would bring up the petition, in order to afford other hon. Members an opportunity of speaking, as well as the hon. Member for St. Andrew's.

Mr. *Elphinstone* moved that the petition be brought up.

Mr. *Andrew Johnston* claimed the indulgence of the House, while he offered a short statement in reference to the petition now presented, and the extraordinary charge made against his character as a Member of Parliament. The petition stated that a pledge had been given by him to his constituents, and that the proof of the pledge was—

Sir *Robert Peel* spoke to order; he could not help thinking that the course the hon. Member was taking was likely to involve the House in considerable difficulty. It appeared to be clearly the opinion of the House that this was a matter in which it had no jurisdiction. It related to a Member who was said to have entered into certain engagements with his constituents, with which engagements, however, the House had nothing to do. If so, he doubted the policy of the hon. Member going into a statement of the matter, especially as the hon. Gentleman might possess an advantage which he himself would probably not desire to avail himself of, in making a statement which other parties could not answer in the same place. If, after an explanation from the hon. Member, the House should refuse to receive the petition, the difficulty would be increased by having heard an *ex parte* statement. He was, besides, clearly of opinion that nothing could be more dangerous than to establish a precedent calculated to lead the House to constitute itself a judge in such cases. The difference was clear between illegal and immoral acts so clear as to warrant the House in declining to interfere in the case of allegations such as the present. He did hope that the hon. Gentleman would consider well before involving the House in further difficulty; for if the hon. Member made a statement of the transaction, and if, afterwards, the House denied his constituents the power of making a counter statement, the hon. Gentleman would have an advantage over those parties which he might not wish to avail himself of. The hon. Member would have an opportunity of explaining himself, and making his statements to his constituents, to whom it might be much better directed than to the House, which, be it observed, had entertained no charge against the hon. Member. He hoped, that as it appeared the case did not properly come under the jurisdiction of the House, the hon. Member would pause before entering further upon it.

Mr. *Fowell Buxton* said, that the hon. Member for St. Andrew's was only anxious to vindicate himself. The hon. Member felt, in common with those Gentlemen who had looked into the case, that he was clear in honour; and therefore it appeared hard, after reflections had been made on his character, that he was not allowed an opportunity of defending himself. However, if his hon. Friend could not make his defence without taking an advantage over his constituents, he agreed with the right hon. Baronet, that the hon. Member had better abstain from going into the case; but he trusted it would go forth to the public that no statement had been made in that House which could in the slightest manner affect the honour of his hon. Friend.

Lord *Howick* concurred with the right hon. Baronet, that if the House allowed this proceeding to go a single step further, it would be establishing an extremely bad and dangerous precedent. The hon. Member for Hastings had stated, that the origin of this proceeding arose from a pledge given by the hon. Member for St. Andrew's to resign his seat under certain circumstances, but he trusted that the House would never recognize such a principle. He agreed with the hon. Member for Weymouth, that the hon. Gentleman might naturally desire to discuss the question, but it ought also to be remembered that no charge had been made against the hon. Member in that place. Attacks were made on him in the newspapers, but, as the right hon. Baronet said, the hon. Gentleman could defend himself to his constituents, without establishing a dangerous precedent in that House.

Mr. *Elphinstone* was willing to withdraw the petition, in compliance with what appeared to be the wish of the house.

Mr. *Andrew Johnston* said, that he should be sorry to make any statement which another party might not have an opportunity of answering, and if it were the sense of the House that he ought not to press the subject, he would not avail himself of that opportunity.

The Petition was withdrawn.

DISTURBANCE AT WOLVERHAMPTON.] Mr. *Thornely* wished to put a question to the noble Lord (Lord John Russell) relative to the recent interference of the military at Wolverhampton. He held in his hand letters from individuals resident in the town and neighbourhood (one of whom was Mr. Roaf, a dissenting minister), which stated that, subsequent to the close of the poll at four o'clock on Wednesday last, the soldiery had been most improperly brought into the town, although there was no disturbance to justify their interference. One of the letter-writers stated, that few elections had ever passed off with less violence on the part of the people. At six o'clock in the evening, Mr. Hill, a magistrate, who resided at a distance of three miles from Wolverhampton, went home, apprehending no tumult or violence. Notwithstanding there appeared to have been very little confusion or disorder, the military were called in, and the Riot Act having been read, they charged the people. The result was, that one man received a shot, in consequence of which his leg had to be amputated; another person was wounded, and would probably be lamed for life; and a third received a bullet, which had been attended with serious consequences—so much so, that the individual's life was endangered. He understood the military went about the town singly and in pairs, firing through doors, so that it was extraordinary many lives had not been lost. The only confusion of any consequence, as he was informed, took place in front of the Swan, Sir F. Goodricke's hotel, but notwithstanding the street opposite to the house had been recently macadamized, only four panes of glass were broken in the windows. He could not understand on what grounds the military had been brought into Wolverhampton; and, as it appeared to him, the case required investigation. He did not know on what authority the military were justified in firing at all under the circumstances of the case. As the Law Officers of the Crown were in the House, he wished them to state on what authority, or by what right, the military fired in such cases. Nothing would satisfy the country but a full, fair, and impartial inquiry into the transaction. He suggested to his Majesty's Government the propriety of sending some confidential agent to examine into the matter, and begged to ask the noble Lord whether it was his intention to do so?

Lord *John Russell* said, that the hon. Member had stated certain facts which were represented to have recently occurred at Wolverhampton, and a statement of a similar nature had been forwarded to him (Lord John Russell) by Mr. Roaf, whereupon he immediately directed that the magistrate who had called in the assistance of the military should give a full account of the transaction. He had likewise communicated with the Commander-in-Chief, in order that he might procure every information and account with respect to what had taken place on the occasion. The hon. Member had proposed that some agent of Government should be sent down to inquire into the subject. He thought such a course would be exceedingly inconvenient, as an agent so sent by the Government could only receive the voluntary deposition of any person who might choose to come before him, and would not be authorized to make any regular inquiry into the transaction. The evidence which he would receive was not likely, therefore, to be of such a character as to warrant the Government in founding further proceedings upon it. All he could say was, that every account of the melancholy transaction that came to his office should be laid before that House. For his part, he was only anxious that the fullest inquiry should take place into the affair; and if, after statements were made by different parties, it should be deemed necessary that a further investigation should be made, his only wish was that it should be an impartial investigation. In the mean time he begged that no *ex parte* statement, whether proceeding from the persons who were excited because the military had been called out, or from the opposite party, might be taken as a statement of facts, because he knew that the most conflicting accounts had been given of the transaction. He would only mention, as an instance of the discrepancy between the different accounts, that in a statement transmitted to him by Mr. Roaf, the soldiers were described as having furiously charged the people in the market-place, and that one of the horses fell down and was killed by the fall; while the account on the other side stated, that the horse was struck by a stone, and died in consequence of the blow. Since then, it appeared from the deposition of the veterinary surgeon who examined the horse, that the animal died in consequence of a wound inflicted by some sharp instrument, which penetrated to the heart. He only mentioned this circumstance to show how much doubt might be thrown on the first statements made with respect to a transaction of this kind, and the more especially as it occurred at the close of an election, when many persons on both sides would be more disposed to give credit to accounts which were favourable to their own view of the matter, than to investigate the transaction impartially. He would only repeat that he was ready to give every aid in his power to promote the fullest inquiry, and he did not believe that there existed on any side, either on the part of the magistrates or the military, a disposition to shrink from investigation, or to conceal any facts which ought to be made known.

Mr. *Villiers* said, communications had been made to him similar to those which had been stated by his honourable Colleague; and as he knew the mistrust that should attach to statements made under feelings of excitement, he had been anxious to learn the statements made on the other side, that might qualify the impression produced on his mind that a riot had been proclaimed where no disturbance of that character had existed—that the military had acted against a people who had not violated the law—and that the soldiers had, in the execution of their duty, acted with a violence as unnecessary as he felt thankful was unusual on their part. He must confess the counter-statements were not satisfactory to his mind. He had some guide by which he could measure the amount of disturbance that had prevailed. He had received letters from persons who viewed this matter in a different light, but who were all agreed as to the fact that the disturbance could not be named in comparison with that which occurred at the time of his own election for the borough. At that time he had not the fortune to be the popular candidate, and he had been somewhat roughly handled, and his committee had been ill-used. Windows had been broken, and the person who held the inn in which he resided, was under apprehension that it might be demolished; and he had thought it proper upon that occasion, after being applied to by several of the inhabitants, to suggest to the magistrates, that in the absence of any effective police, or of any special constables being sworn in, they should take some precaution for the protection of the town during the night, and that the military should be apprised that their assistance might be required. Now, he well remembered the cold manner in which this intimation was received by the magistrates—and he remembered something said like an implication that the disturbance would not justify it. He was not sorry to see this reluctance on the part of the magistrates, and he imputed it to their understanding the people better than himself, and not to a difference in politics with himself. The military were not introduced into the town, and the people dispersed quietly. But this, however, added to his astonishment at the precipitancy of the authorities upon this occasion, when he was confidently assured that the disturbance was not to be named in comparison with that at the time of the election for the borough; that there had been no indication of violence on either day of polling; that a magistrate had retired to his country seat in consequence of the peaceable appearance of the town, and that universal surprise was expressed when the military were introduced into the town. He contended that the particular circumstances which led to the proclamation of the riot required explanation. There were also facts connected with the conduct of the military, which demanded some inquiry to be made; for instance, he did not hear it contradicted that the soldiers distributed themselves in parties of two and three over the town, and acted upon their own discretion, and that they had not only dispersed the people, but had actually fired at them when in the act of flight. He would wish to learn from any military Member of this House if this was in accordance with military discipline or military practice upon such occasions. If it was illegal, he begged to assure the House that such things were alleged against the soldiers, and if it was denied, he thought that it afforded a substantial ground for granting the inquiry suggested by his hon. Colleague; and he should strongly urge upon his Majesty's Government the propriety of forthwith giving a commission to some person or persons in whom they could place confidence, and on whom the public could depend, to proceed to the town of Wolverhampton and collect the truth. There were three parties implicated in this matter—the magistracy, the military, and the people, and it was clear that a fair and full investigation would not be expected from the violent partizans of either. It became the Government, therefore, to select some fit and proper person for this business. A full and fair inquiry was demanded by the people, and he thought it reasonable, just, and expedient, that it should be granted. He thought it desirable that it should be instituted immediately, in order that the public authorities, no less than the people, might know that they had a Government prompt and willing to offer redress where injury was alleged; and he firmly believed that it would tend not only to allay the excitement and anxiety upon this unfortunate business in the place where it occurred, but in the manufacturing districts throughout the whole country.

Mr. *Forster* said, that in consequence of the absence of his hon. Friend, the Member for North Staffordshire (who was suffering from indisposition), he had been requested to make known a short statement on the part of the Magistrates of Staffordshire, whose conduct had been most unjustly impugned by *ex parte* accounts. The statement was signed by the Rev. Mr. Clare and Mr. Hill, and was to the following effect (the hon. Member here read the following document):—

"*To the Right Hon. the Secretary of State for the Home Department.*

"My Lord,—In compliance with the request contained in your Lordship's letter of yesterday's date, that the fullest information may be supplied relative to the proceedings subsequent to the close of the poll in this town, we beg to state, that during the whole of the last day of the poll the conduct of the multitudes of people assembled in the streets was very violent; many respectable persons were rolled in the mud, and assailed with mud and stones, and some seriously injured, and we received repeated applications to send for a military force, as of about forty or fifty special constables who had been sworn in, and were all that could be procured at the time, some did not act, and the rest were completely overpowered. The undersigned, therefore, sent for a troop of the 1st Dragoon Guards from Dudley, six miles off, requesting them to come within a mile of the town, and to halt there till they heard from us again. At the close of the poll the number of people increased so rapidly, and their behaviour was so violent, that the soldiers were desired to advance immediately. Their appearance, at about five p.m., seemed to check the mob, and at six the undersigned, Mr. Hill, informed Captain Manning, the officer in command, that he thought they might be sent to their quarters, which was done, though the mob did not disperse; yet as they did not proceed to acts of violence, it was thought they would be tranquillized, and Mr. Hill went home, about three miles off. At about seven o'clock p.m. the mob began to assail the Swan Inn, where some of the successful candidate's friends still were. Several windows were broken, and some persons attacked, and the undersigned Mr. Clare went among them with some special constables, and entreated them to desist; he was spit upon, and compelled with the high and special constables to retreat to the inn, and when he appeared at the window he was assailed with stones, and struck while reading the Riot Act. The soldiers were then called out, and the mob commenced a furious attack upon them; a street near the market-place was barricadoed with two carts and an iron chain; many of the soldiers were struck with stones, and one horse was stabbed in the side and fell down dead, while standing still, which is necessary to be stated, because it has been asserted, that the horse fell while charging; the undersigned Mr. Clare saw him fall. The fact of the violence of the mob during the election and subsequent to its close can be substantiated by affidavits, if necessary; and a declaration of approbation of the conduct of the Magistrates and soldiers is, we believe, being signed. It was not until after the death of the horse that the soldiers were directed to fire, and the mob still persisted in their attacks, at times retreating to a church-yard close to the market-place, to which the soldiers could not for some time get access, and advancing again. Mr. Hill, who was sent for, and arrived at about eleven, states, that many discharges of fire-arms were heard by himself and others in different parts of the town, when all the soldiers were assembled in the market-place, but whether ball was fired by the mob he does not know; neither is he aware of any of the soldiers having been fired at that night. At midnight another troop of horse arrived from Stourbridge, ten miles off, and Mr. Hill took six or seven special constables and these mounted soldiers, and visited all the outskirts of the town, clearing such public-houses and beer-shops as were open, but the soldiers took no part in this proceeding, only remaining in the street to protect the Magistrates and constables, in the case of any sudden attack.

" At about two o'clock on Thursday morning the town was quiet, and all the troops were sent to their quarters, except sixteen who remained on duty all night.

" Four persons have been ascertained to have received gunshot wounds, one of them in the knee, which rendered amputation necessary; and we believe one man is also wounded, not severely by a sword; none are yet dead.

" We should be doing injustice to the officers and soldiers employed if we did not express our admiration of their steadiness and forbearance under circumstances of no ordinary provocation: only one example occurred to the contrary, in a soldier who was found to be drunk, and placed in confinement early in the evening. Several swords were broken, from the soldiers striking with the flat side of them.

" We have not been able to ascertain how many shots were fired, but as the soldiers have a regular number of cartridges given out to them, the report of the officers to the Commander-in-Chief will doubtless furnish that particular.

" A statement has appeared in the London papers purporting to be a declaration of certain persons before Mr. Roaf, a Dissenting minister here, which is very much at variance with the truth. Two of the parties—one of them a special constable—have been heard to say before the mob, that they (the mob) must be taught to fire and mark their men. It is, we believe, ascertained that a bullet, stated to have been fired into a house in Queen-street has been found on examination to be too large for the soldiers' fire-arms. This requires no comment.

" A report of the conduct of the mob, which rendered it necessary for Mr. Briscoe, another Magistrate, to read the Riot Act on Thursday and Friday nights, happily without the soldiers being afterwards called upon to act, has doubtless been submitted to your Lordship, and we are happy to add that this night has passed off without disturbance. (11 p. m.)

" We have the honour to remain
" Your Lordship's obedient servants,
" J. Clare,
" Henry Hill."

" Wolverhampton, May 30."

He begged leave to say, that he knew the Gentlemen who had signed the foregoing statement to be persons of high and unimpeachable honour, and incapable of deviating from veracity even in a case affecting their own character. They had both been Magistrates for a long period (Mr. Clare had been in the commission of the peace for more than forty years), and they had performed their magisterial duties with so much credit to themselves, and made themselves so popular, that it was a matter of surprise that a charge like that which had been mentioned in the House should be made against them. He had that very day seen persons from Wolverhampton, who declared that the precautions of the Magistrates and the forbearance of the military were beyond all praise. He was not aware of the circumstances which attended the last election, but he was acquainted with that particular part of the country. It contained an immense population, which might easily be collected together, and in consequence of the peculiar character of that population, when once it was roused to acts of insubordination, scenes which would make the stoutest nerves shudder would ensue, unless that insubordination was met by promptitude and vigour on the part of the Magistrates. The ferocity of the population was so great at a former election for the borough, that it became impossible for one of the candidates (who was a Reformer) to proceed to the place of nomination; for if he had gone, his life would have been in danger. He mentioned this circumstance to show that it was possible for even the liberal and reforming candidates to be the objects of popular hostility. It was persons of a similar description to those at Wolverhampton who set fire to the city of Bristol; and had not the military been called into Wolverhampton, the scenes of Bristol would have been re-acted there. In his opinion, the Government ought not, on light grounds, to allow persons who devoted their care to the preservation of the peace of the country to be held up to censure, especially if by their vigour and promptitude they had prevented the repetition of scenes of bloodshed, which a more supine conduct might have produced.

Sir *John Wrottesley* said, that he had never risen in that House with more painful feelings than he did at present. He had received a statement respecting the transaction which was the subject of the debate —of course an *ex parte* statement, but he believed an impartial one. He felt peculiar difficulty in discussing the matter, because, though it was satisfactory to know that no lives had been lost, yet hon. Members were aware that, should the cases of any of the persons wounded terminate fatally, the laws had provided severe punishment for those who had been guilty of any act from which loss of life had resulted. He had come down to the House with the impression that his noble Friend (Lord John Russell) would have signified his intention of instituting an inquiry into the transaction which had been alluded to. If his noble Friend had done what he ought to have done, and sent done to Wolverhampton to investigate the transaction impartially, nothing on earth should have induced him (Sir John Wrottesley) to say a word on the subject at the present moment. But, to his great regret, his noble Friend had determined not to take this step, though he had promised to lay all the statements he might receive on the Table, and adopt ulterior measures if necessary. Knowing the state of feeling in the county of Stafford, he would be bold enough to tell the noble Lord that such a course would give no satisfaction. It was of the utmost importance that some person invested with authority should be sent by the Government to inquire into the affair; and if this, which was no more than just, was not done, he would not answer for the people not doing justice for themselves, so great would be the excitement produced. He held in his hand a statement nearly similar to that read by the hon. Member for Wolverhampton. After speaking of the circumstances which passed whilst the soldiers were under the superintendence of the Magistrates, his statement went on to say, that for an hour or two after the soldiers rode two or three together up and down the streets, and occasionally fired at random or up entries, by which a few persons were wounded; and it was astonishing that so few were wounded. He really believed that a great deal turned on what was done after the mob left the market-place. He had been a Magistrate of the county of Stafford for forty years, and had been concerned in the greater part of the riots which had taken place in that district. [*Laughter.*] He should have said that he was engaged in suppressing those riots; and it was a matter of great satisfaction to him that, during the whole time he had so acted, no property had been destroyed, nor had any person's life been in the smallest degree endangered. He, therefore, thought that he was in some measure qualified to give an opinion as to the duty of a soldier in case of a riot. If the statement were true (and he wanted an investigation for the purpose of ascertaining whether the statement might be relied on) that after the soldiers had fired, they were allowed to separate and go with ammunition into the various streets in a state of irritation; and, removed from the immediate superintendence of their officers, he had no hesitation in saying, and he spoke in the presence of several military officers, that such a proceeding was disorderly and improper. He recollected that, on a particular occasion, when it was thought necessary to call out the military, he, thinking a particular spot not sufficiently guarded, asked the officer on duty to allow a mere patrol to accompany him for the purpose of inspecting it; but the officer most properly replied, that his orders were not to separate the troops. "As long as they continue under my superintendence," he added, "I can be responsible for their conduct; but I cannot if they are separated." It was the duty of an officer, he repeated, to keep the troops under his superintendence. All that he (Sir J. Wrottesley) wanted was, investigation, and immediate investigation. He would not be satisfied with the investigation of a military officer. He had seen in the newspapers an account of an investigation conducted by a general officer, which, if true, was by no means satisfactory. With respect to the army, he must be permitted to say, that no man regarded it with more esteem than himself; and he would be the last person to find fault with the conduct of individuals belonging to it; but when statements such as he had read were circulated and believed by most respectable persons, he thought it only due to the military, to the Government, and to every person concerned, that an investigation should take place, and be conducted by individuals whose high character placed impartiality beyond the possibility of suspicion.

Lord *John Russell* would make a few observations, in consequence of what had just fallen from his hon. Friend. He stated before that he had no objection to an inquiry being made into the transaction; on the contrary, he was anxious for the fullest and most impartial inquiry. He had only objected to the proposed mode of investigation, which was to be carried on by a person sent down by the Government, without having authority to compel persons to give evidence. However, if his hon. Friend said that an inquiry of that nature was more likely to give satisfaction than any other, he had no hesitation in saying that he was ready to take the necessary measures for setting it on foot.

Mr. *O'Connell* observed, that the person appointed to conduct the investigation might be armed with a commission of the peace for the county.

Sir *Henry Hardinge* said, that the soldiers had never a more painful duty to perform than that of repressing violence on the part of the people. The House had heard different hon. Members, some criminating and others defending the conduct of the military during the late disturbances at Wolverhampton. It appeared from the statement read by the hon. Member for Walsall, that, in the estimation of the Magistrates and other persons, the conduct of the military on that occasion was deserving of approbation. Now, as some time must elapse before the conduct of the military could form the subject of inquiry in the investigation which the noble Lord had consented to institute, he (Sir Henry Hardinge) thought it only fair to Captain Manning, and the officers of his troop (who by doing their duty probably prevented a recurrence of those atrocious scenes which, by the supineness of the military officer at Bristol, unfortunately occurred there), to ask the noble Lord whether, in any report which he had received, the conduct of the military was called in question by the Magistrates?

Lord *John Russell* had to state, in reply, that, both in the statement of the Magistrates and the High Constable the conduct of the military was spoken of as being marked by the utmost forbearance. Undoubtedly, he had not wished to state any particular facts in opposition to what had been stated on the other side, because his doing so might have led to a debate. He, therefore, did not wish to state anything more than the opinion expressed by the Magistrates and High Constable on that point. Still he might be allowed to say generally that the Members of that House, knowing, by experience, what the conduct of the British army was, ought not lightly to believe that the military had, on the occasion in question, violated the rules of discipline, and made a wanton attack on individuals.

Mr. *Scholefield* said, that, in compliance with the noble Lord's recommendation, he should not have been disposed to trouble the House with any *ex parte* statement of the late transactions at Wolverhampton; but he considered it right, in consequence of what had fallen from the gallant Officer (Sir Henry Hardinge), to read an extract from a letter which he had received, from an individual on whose veracity he could place the greatest reliance. The hon. Member here read the extract, as follows:—

"We have the strongest evidence to prove that the town was tranquil up to the arrival of the military, which was just before the poll closed. About seven o'clock a stone was thrown at the Swan window; this was considered a breach of the peace; the Riot Act was read, and the military were immediately let loose upon the people. They first charged in a body; they then separated and galloped up and down the streets in parties of three, two, and even singly, firing at and brutally striking all they came near with the flat part of their sabres, and even using the point. Decrepit old men, and even women, did not escape their fury, but were savagely beaten and cut down by the ferocious soldiery. Respectable persons, at their own windows, were wantonly fired at; and the town was, in fact, given up to an infuriated soldiery. No lives were, I believe, lost; but a great number received sabre and shot wounds. Three boys were severely wounded in the leg; and it was found necessary to amputate one of the boy's legs: the others lie in a precarious state. I dare not trust myself to say all that I saw and heard; there was, however, one circumstance which I witnessed that I cannot forbear mentioning, and which is sufficient to show the brutal spirit that animated the soldiers on this occasion. I was at an upper window in Queen-street; a soldier was savagely beating a person beneath; the proprietor humanely opened his door, and pulled the man in; the soldier aimed a furious blow at him, which fortunately struck the shutter. The soldier then called some others, and about five or six drew up on the opposite side of the street. He said, "There is a nest of damned scoundrels in that house—we will fire through the door:" they then coolly put up their swords, and took out their fire-arms. I called to them, and told them that no breach of the peace had been committed, and to fire at their peril; they desisted, and went away. The same soldier came afterwards, and I heard him say to another, "There's something suspicious in that house—I had a d——d good mind to fire through the door." I again warned him of the consequences, and he rode off. As a strong instance of the peaceable disposition of the populace, I beg to state one fact: the street fronting the Swan, where Goodricke's committee sat, had been newly Macadamised, and a great quantity of loose stones lie about; yet, on the morning after the alleged riot, I counted but four panes of glass broken, some say five; if, therefore, the people were so riotously disposed, it is surprising that so few windows were broken.

It is worthy of remark that no person of the Tory party has been hurt, and, as I before mentioned, only four or five panes of glass were broken, on the first night at the Swan. Respecting the dragoon's horse that was killed, it appears that the soldiers were riding furiously up the market-place, and two of the horses fell; on getting up the horses, it was found that one had been wounded with a sharp instrument, between the fourth and fifth rib, which penetrated about five inches; and it is supposed that the horse fell upon one of the soldier's swords. No one was within twenty yards of the soldiers at the time; no bullet was found in the horse; it is not true, therefore, that the horse was shot."

It had given him great pain, the hon. Member continued, to hear the hon. Member for Walsall (Mr. Forster) speak in disparaging terms of the population of Wolverhampton. He had been long connected with that part of the country, and knew the people well. He had stood a contested election for the populous town of Birmingham; and, although party feeling ran very high at the time, no one instance came under his observation of a stone or the slightest missile being discharged. The hon. Member for Walsall aspersed his neighbours, and he could only say, that his opinion was totally at variance from that of the hon. Gentleman. The electors of the borough were a most estimable body of men, peaceable, intelligent, and well-conducted. [Mr. *Forster* begged to interrupt the hon. Gentleman. He had said nothing about the electors.] He was quite aware that Gentlemen entertaining the hon. Member's political opinions, endeavoured to create a distinction between the electors and the people. In his judgment, the non-electors were as good as the electors. He was sure the non-electors of Birmingham were as excellent a set of men as any in that House. The case of Bristol had been referred to, in which the military had done too little. Let them remember the case at Manchester, where the yeomanry had done too much—even where there was no resistance on the part of the populace. At all events, he felt quite certain that it would be a most dangerous course to allow the military to be lightly called out at contested elections, by men whose opinions were not on the popular side. Let the House and the people remember, that very few men of liberal opinions were in the commission of the peace in this country. If clergymen would voluntarily come forward to read the Riot Act, they must expect to find strong feelings excited even against their cloth. Why need they voluntarily enter into situations which few men would be forced into without shuddering? Why need they come forward to display their Christian charity by ordering the soldiers to fire upon an unarmed multitude? He regretted to say, that clergymen were found ever ready to take a leading part in such proceedings as had lately occurred at Wolverhampton; but while they so acted they ought not to be surprised to find that a strong feeling should be imbibed by the country against them. He trusted that the inquiry which was about to be set on foot would be conducted with impartiality, for all he wanted was a free stage, fair play, and no favour.

Mr. *Forster*, in explanation, stated, that the Magistrate by whom the Riot Act was read at Wolverhampton happened to be a liberal politician, and a supporter of the popular candidate—Colonel Anson. With respect to the population of the district where the disturbances in question arose, all that he had said was, that its character was peculiar. He alluded to the colliers and iron-workers, who could not be called a refined class.

Mr. *Scholefield* said, that the hon. Member spoke of the ferocity of the population.

Mr. *Hume* said, that the military might be free from blame for their conduct at Wolverhampton; but what was wanted was an inquiry which would prove satisfactory to the people; and it was, certainly, a matter of regret and astonishment that the noble Lord had not at once instituted an inquiry into the matter. The noble Lord would do well to convince the people of this country that, when they were attacked, the Government would be found ready to protect them. It was the noble Lord's duty, as Secretary for the Home Department, to take care that the peace of the country was preserved; and he trusted that he would inquire what measures were adopted by the civil power at Wolverhampton to maintain order. There was, in this country, a mode of preserving the peace by civil agents, and it was the duty of the Government to ascertain whether that mode was resorted to in the present instance before recourse was had to military aid. It was essential that the inquiry should be conducted in such a manner as would be entirely free from local and political influences. Again he would impress upon the noble Lord the necessity of directing his attention to the manner in which the civil authorities had prepared to suppress any breach of the peace that might have been expected to occur. He agreed with the hon. Member for Birmingham, that it was to be deplored that, whenever any mischief was done, a clergyman was sure to be a principal actor in it. He hoped that the present Ministry would take care that no more clergymen should be appointed Magistrates. If they wished to support the character of the Church, and prevent the conduct of the clergy from being called in question, they would remove every clergyman from the commission of the peace. Ministers might depend upon it, that there was nothing so likely to raise the clergy in the opinion of the people as the course which he recommended. Upon every occasion, when clergymen acted as Magistrates, even meritoriously and beneficially, a bad effect was produced upon the minds of the people, and he hoped, therefore, that Ministers would attend to the public feeling on this point.

Mr. *Lechmere Charlton* said, that, after the *ex-parte* statements which had been made to the House, he felt himself bound to bear his humble testimony in favour of the Magistrates and the military. He held in his hand a letter, which stated that every means in their power had been resorted to by the civil authorities at Wolverhampton before they called in the military. He must protest against the doctrine of the hon. Member for Wolverhampton, who asked by what authority the military were ever called in upon such occasions as that which now occupied the attention of the House.

Mr. *Thornely:* The hon. Member has misunderstood me. I expressed a doubt as to the right of the military to fire on such occasions.

Mr. *Lechmere Charlton:* If the soldiers were not to fire, of what use would it be to call them in at all? It was necessary upon such unfortunate occasions to commit a small evil in order to prevent a greater. He trusted that he was as humane a man as the hon. Member for Middlesex, and he really thought it was practising humanity in such cases to disperse a riotous mob by means of the military, in order to prevent the terrible scenes which would result from allowing it to obtain the ascendancy, and this could always be effected with the smallest amount of injury to persons, when the magistrates and soldiers exhibited a determination to perform their duty. A letter which he had received stated, that in order to ascertain what description of weapon it was, by which the horse of the dragoon was killed, a wound corresponding with that by which it met its death, was made on the opposite side of the animal, and it was found that the weapon must have been four inches and a half in length. He put it to the House, and even to the hon. Member for Middlesex, to consider what might have been the consequence if a mob, having amongst them weapons of this description, and doing every thing in their power by gestures and language to excite to violence, had not been dispersed by the military? As far as the soldiers were concerned, he was pleased that there was to be an investigation, because he was convinced that on this, as they had on other occasions, they would come triumphantly out of the investigation. He could not, however, help feeling some dissatisfaction at the manner in which the investigation had been granted. The noble Lord, the Secretary for the Home Department, at first almost positively refused to inquire into the transaction; he gave way in order to please the hon. Baronet, the Member for South-Staffordshire, who had made an *ex parte* statement, which he must be permitted to say he did not believe to be altogether correct. The hon. Baronet expressed surprise at the circumstance of the soldiers having separated into parties of two or three persons; but he had no doubt that this was done for the purpose of keeping the streets quiet. If the noble Lord intended to send a commission to Wolverhampton, he hoped that the practice would be resorted to on all occasions in which persons excited the people to acts of tumult and violence. He wished the noble Lord to state what there was particular in the present case, which should induce him to depart from the usual course. He was quite willing to trust the whole matter to the noble Lord, and he was quite sure that justice would be done under his superintendence, without the issuing of any commission. As the noble Lord had altered his mind once, he hoped that he would be induced to alter it again, and adhere to the resolution which he originally formed. The issuing of a commission would have the appearance of casting a reflection upon the military, who, he would be bold to say, had not resorted to measures of violence until they had tried and found pacific measures unavailing.

Major *Beauclerk* could not concur with the hon. Member in censuring the noble Lord, the Secretary for the Home Department, for the course which he had resolved to take with reference to the subject under consideration. He believed that the decision to which the noble Lord had come would give universal satisfaction to the people, who were anxious to know whether the riot at Wolverhampton had been created by the higher or the lower classes. He was sure that if the matter were to be brought under the notice of any public meeting, the conduct of the noble Lord, in consenting to an investigation into this unfortunate transaction would be unanimously approved of.

Mr. *Cressett Pelham* said, he wished to hear evidence, and not *ex parte* statements.

The matter was dropped.

CORPORATION COMMISSION.] Mr. *Goulburn* wished to know when the noble Secretary for the Home Department intended to make his statement on the subject of Municipal Corporations? He also begged to direct the attention of the noble Lord to another point. He had been informed that one of the Corporation Commissioners had made a separate Report to the noble Lord, and he was anxious to know whether the noble Lord would have any objection to lay that Report upon the Table of the house?

Lord *John Russell* said, in reply to the right hon. Gentleman's first question, he must inform him, that as the hon. Member for Yorkshire intended to bring forward his motion respecting the currency, that evening, he would postpone his Motion respecting Municipal Corporations till Friday next. With respect to the second question, it was certainly true that he had received what was stated on the face of it, to be a Report from a single commissioner; but it did not appear to him to be a Report in conformity with the directions contained in the Commission—namely, a Report with respect to a certain part of the inquiry which had been referred to the commissioner. The document contained a great deal of personal matter—of crimination and recrimination, with respect to other members of the Commission, and he had some doubt, until he examined it more attentively, whether he could consider it a Report that ought to be laid before the House.

Mr. *Blackburne* hoped that, on account of the office which he held in the Corporation Commission, he might be permitted to say a few words upon the subject to which the right hon. Member for the University of Cambridge alluded. By the Commission, power was given to any three or more Commissioners to make a Report, but no power was given to any single Commissioner to do so. A Report had been prepared by all the Commissioners in the kingdom now alive, with the exception of two, one of whom was the gentleman whose protest was on the Table of the House, and the other, the gentleman who, he understood (for he had held no personal communication with him) had just sent a Report into the Home-office. According to the Commission, it was the duty of that Gentleman to have sent in his Report to the Board. He was appointed to go a circuit, and ought to have sent his Report with the evidence which he collected to the Board, but with the exception of two cases, which were of no importance whatever, he had sent nothing to the Board. Now, however, for some reason or other, with which he was unacquainted, this gentleman had sent a Report into the Home-office, because, perhaps, he supposed some wrong had been done to him by his brother Commissioners. He had done his utmost to induce this Gentleman to go on with the work of the Commission; he passed over many acts of negligence, in order that the Commission might not suffer in public opinion, from it being known that one of its Members did not perform his duty. This Gentleman had held no communication with him for five or six months, but now he had thought proper to send in some communication, not to the Board, but the Home-office, in which it appeared he had criminated some members of the Commission, and probably himself (Mr. Blackburne) amongst the rest; but that Gentleman had done nothing to forward the object of the Commission. He had felt it necessary to make these observations, in order that Members might not leave the House with the impression that the Report which the gentleman in question had sent in was one which he was bound to prepare in the execution of his duty.

Sir *Robert Peel* asked, whether the hon. Member could inform him when the Reports, respecting the London and Liverpool Corporations might be expected.

Mr. *Blackburne* said, the Report for London was not yet quite ready; that for Liverpool was in the hands of the printers, and might be expected to be ready in a few days.

Sir *Robert Peel* inquired if all the Reports, with the exception of that for London, was on the Table?

Mr. *Blackburne* said, that with the exception of the Report for the Corporation of London, and those delayed by the Commissioner—

Several *Hon. Members* — "Name him! name him!"

Mr. *Blackburne* — The Commissioner's name is Hogg.

Sir *Robert Peel*—Then, with these two exceptions, shall we have all the other Reports?

Mr. *Blackburne*—Certainly: with these two exceptions, the remainder of the Reports will be on the Table?

Mr. *Baines* wished to know (as we understood the hon. Member) whether, in the case of the Commissioner alluded to, the hon. Member had thought it right to "stop the supplies?"

Mr. *Blackburne* had not felt it his duty "to stop the supplies," because—he had no supplies to stop.

The subject was dropped.

AGRICULTURAL DISTRESS—A SILVER STANDARD.] Mr. *Cayley*:*—Before I proceed to direct the attention of the House to the subject of the Motion with which I shall conclude, I will take the liberty of shortly stating the reasons which have induced me to persist in bringing it forward, against a prevailing wish in the House, that the subject of Corporate Reform should have precedence. Sir, I know I stand on unpopular grounds with many Members on account of what they may term my obstinate determination in this respect: and I feel I owe, and am ready to make, an apology to the House, for thus interfering between it and so important a measure, as that of Municipal Reform. If I were actuated by any private or personal considerations, I should be ashamed to find myself standing where I am at such a juncture; but feeling that I am guided on this occasion by a sense of public duty, and by that alone, I confess I feel relieved in a great measure of the responsibility. It is not that I underrate the importance of Corporation Reform; but that such is the fallen state of British agriculture, that I can conceive no Question of such pressing importance. I appeal to every Member around me who knows the condition of the farmer—not by hearsay, merely, but who has seen his distress, as it were, bodily before his eyes —whether I am not justified in my resolution. I think, moreover, I ought not to be condemned for an obstinate perseverance in this Motion, before the case is fully understood. I gave notice of it on the first day of the Session, for the 19th of May; at that time, the noble Lord, the Secretary for the Home Department, was not in the House, and at the request of my right hon. Friend (the Chancellor of the Exchequer) I postponed it—very unwillingly, indeed, as he will testify—on the ground that it would be inconvenient to the Ministry to have it brought forward in the noble Lord's absence. At the same time, there was a distinct understanding between my right hon. Friend and myself, that I should have every facility from the Government in bringing the Motion forward this day. Besides, this was the second occasion, in the present Session, on which I had given way to the Government on a question affecting the interests of agriculture.

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* From a corrected Report.

I may also state, that last Session, I gave notice of a Motion similar to the present, which I was prevented from bringing forward by the unusual length of the Easter vacation, and subsequently to that I had no opportunity of doing so. I trust the House will be satisfied with this explanation. It must always be a matter of extreme regret to any one, to have to resist what appears to be the wish of the House. The subject of my Motion is of a painful nature in itself, and it would be rendered still more painful to me, should I have to force it upon the attention of a reluctant audience. No person, Sir, can be more fully aware than myself of the difficulties which attend the execution of the task I have undertaken, or of my own inability to cope with it. I have, however, directed my attention to the subject for some years; and I only wish that my powers of commanding the attention of the House were, in any degree, commensurate with the anxiety I feel, to obtain some measure of relief. I trust, however, to its patient indulgence, for I am aware of the tedious nature of a discussion of this kind, since the statements, which I shall feel it my duty to make, must be borne out by reference to documents. Feeling, therefore, that this Question admits of no delay—being convinced that things cannot remain as they are without extreme danger—not only to the agricultural interest, but to all other interests connected with it, and from the spirit of discontent and dissatisfaction which is generated by distress, even to the institutions of the country themselves—I am induced to persevere, in the hope that I shall obtain the attention which is due, not to myself, but to the importance of my subject.

This is no party Question, and I trust that it will not be treated in a party spirit, for if the subject of agricultural distress could be discussed, on either side of the House, in a party spirit, the situation and prospects of the agriculturists would be lamentable indeed—even more so than I, unfortunately, have reason to believe them to be. Some of the difficulties, however, with which I otherwise should have had to contend, in bringing this Question forward, have been removed by the acknowledgment which three of the highest authorities in this House—namely, the right hon. Baronet, the Member for Tamworth, the noble Lord, the Secretary for the Home Department, and the right hon. (the Chancellor of the Exchequer) made the other evening, when the noble Member for Buckinghamshire brought forward his Motion, "that the agricultural interest cannot hope to obtain substantial relief from any additional remission of local and general taxation." But are not these the very modes of relief to which our attention has been always directed by our rulers? And now at the eleventh hour, we are deliberately informed we have nothing to expect from these sources, or so little, as to afford no hope of perceptible improvement. Am I not justified, therefore, in inferring, that this is an opportune occasion on which to propose another species of relief—a species of relief, too, which has never yet been tried without success; whilst that from remission of taxation has had no visible influence whatever. The right hon. (the Chancellor of the Exchequer) boasted, that within the last fifteen or twenty years, which have elapsed since the Peace, the agricultural interest has been relieved from 8,000,000*l.* of taxation. I could not but regret the tone in which the right hon. Gentleman made that statement, because it seemed to say, "we have done so much for agriculture, we cannot afford to do any more." Now, what does all this remission of taxation (with agriculture getting worse and worse, in spite of it) prove, but that we have gone the wrong way to work, and that private incumbrances and engagements have pressed on the agriculturist as much, or more, than public ones. The right hon. Gentleman also referred, with an air of triumph, to the fact, that the agricultural interest was not so heavily taxed, in comparison with other classes now, as in various reigns to which he alluded. What does this prove? Why, that the agricultural interest was better able to bear a greater amount of taxation at those periods than it is now: so that my right hon. Friend has only furnished another lamentable illustration of the agricultural distress.

The noble Secretary, for the Home Department, told the House, the other night, that, in 1833, the Agricultural Committee recommended that the Legislature should not interfere on the subject, This was very far from being an unanimous opinion on the part of the Committee, besides the Question of the Currency was excluded from the consideration of the Committee which was the only efficient way in which to interfere. The Report went on to say, that it was a perilous thing to try experiments on the farmer. This is also very true; but having brought him to death's door by one experiment, may not we bring him to life by another? and, at all events, he cannot be in a worse state than he is in now; for I ask whether the agricultural interest is not now in a worse state than it was in 1833? The price of wheat in 1833 was 54*s*. a quarter, whilst now in some districts of the country it is not more than 34*s*. I hold in my hand the *Mark Lane Express*, by which it appears that on the 27th of April last the average price of wheat was 38*s*. 10*d*. per quarter.

Mark Lane April 27th.

The weekly aggregate average price of wheat throughout the kingdom did not exceed last Thursday 38*s*. 10*d*., which, according to Winchester measure, is equivalent to 37*s*. 8*d*., being lower than the average for the last fifty-five years, when in 1779 and 1780, the rates were 33*s*. 8*d*. and 35*s*. 8*d*; and in analyzing the averages of the past week we find, that in Lincolnshire the quantity of wheat returned as sold, is 5,373 quarters, and the price 36*s*. 10*d*.; in Northumberland, 3,701 quarters, and price 35*s*. 5*d*.; in Huntingdon, 582 quarters, at 35*s*. 5*d*.; Oxford, 233 quarters, at 36*s*. 1*d*.; Northampton, 477 quarters, at 36*s*. 9*d*.; the higher averages being for small quantities in Wales and Cornwall.

In 1833, when wheat was 54*s*., it was 10*s*. under the remunerating price, but since then there has been a fall of 20*s*. more. This tremendous fall in the price of wheat began at the close of the scarce seasons 1828, 1829, 1830, 1831. It had, indeed, begun in 1827; but those wet years caused a scarcity price, and so concealed the effects of the preparation for and the final extinction of 1*l*. notes in 1829. Many Gentlemen, and amongst others the hon. Member for the Tower Hamlets, near me, seem to think that the agricultural interest is not so badly off as is represented, because barley and oats and wool sell well at present. Any person, however, acquainted with agriculture, knows the cause of this, and that it is accidental.

During the two last years dry Springs have prevailed, and it is an incontrovertible fact, (which I may state for the benefit of those who are in the habit of passing judgment on agriculture, although unacquainted with rural affairs), that a dry Spring is invariably accompanied by the failure of the barley and oat crops. It was in this spirit the right hon. Baronet, the Member for Tamworth, spoke, when my noble Friend (Lord Chandos) brought forward his Motion for a Repeal of the Malt-tax. He argued as if the present was to continue to be the price of barley in any ordinary season; that this being the case, the barley lands did not want relief, and therefore the Malt-tax ought not to be repealed. All this was in total ignorance of the fact, that both the last years, and especially the last, was not more in most districts than half a crop of barley, and of oats the same. Of course a rise in price must be the consequence: but to suppose that any advantage accrues to the agricultural interests generally, from scarce seasons, is not only untrue, but a thankless blasphemy: a partial deficiency of crop may be advantageous to such parties as escape it, because they reap, with a full crop, the benefit of a scarcity price. Then the hon. Member for the Tower Hamlets goes on,—this inequality in the prices of wheat, barley, and wool, proves that the change of the currency has had nothing to do with the general fall in prices: the hon. Gentleman, it should be known, is one of those who tell us that the Bank of England issue more of their notes when they have to answer them in gold, than they did when they were a legal tender; and of course he must argue, to be consistent, that a larger or smaller quantity of currency makes no difference in prices. But what is the fact as to barley and wool? Before the wet seasons began in 1828, that is to say, in 1826-7, after the 1*l*. notes were withdrawn in 1825, wool fell down to 8*d*. per lb., and barley, also, so low, that it was matter of debate with many practical farmers, whether it was worth occupying a farm which only produced barley and wool. I remember this the better, because I occupy a farm myself of this description. At that time many of the old sheep walks, in consequence of the late introduction of bone-dust as manure, were ploughed up; and those light, poor soils, from being the least profitable, have, from the smaller comparative expense attending their cultivation, become lately the most safe to culitvate.

When the Question of Agricultural Distress was brought forward last year, the noble Lord who was then Chancellor of the Exchequer, (Lord Althorp) talked much in the same strain as the Member for Tamworth; it is, I suppose, the usual official language; he said, it was true that wheat sold badly, but wool sold well. What was the reason of that? From 1828 to 1831, there was a succession of wet seasons, which created the rot amongst flocks on soils where it had not been known for 50 or 100 years before. It was calculated that one-fourth of the sheep flocks in the kingdom was swept away by this disease. The aggregate number of sheep is estimated at 32,000,000, and therefore a deficiency of 8,000,000 had to be supplied. And as far as my own knowledge and inquiries have gone, I do not think this, by any means, an exaggerated estimate. It was only the uplands that escaped this scourge, in the lowlands entire flocks were carried off. Of course mutton and wool rose to a scarcity price; and beef also, to supply the place of mutton. But wool rose highest, in proportion, because the sources of supply are more limited. England alone can furnish the long wool, whereas the carcase of the sheep could be fetched from the hills of Scotland; but the wool could not be supplied from that quarter. Thus mutton and beef were prevented from rising to the same extent as wool, and the immense importation of Irish pigs (which are always largest under low prices) conduced to the same result. And another reason why wool sustained so high a price was the necessity of our manufacturers preserving their place with woollen goods in the foreign market, at any cost, because the market once lost, would with difficulty be regained. There can be no greater proof of the inordinate scarcity of wool than that, in 1833, the importations of wool exceeded those of preceding years, by 10,000,000lbs., while the export of woollen goods has been stationary. Now no one will pretend to say that this additional 10,000,000lbs., has been consumed by the home-market, which is in so depressed a state from the adversity of the agricultural interest. On the contrary, it was a general complaint on the part of the witnesses summoned before the Agricultural Committee of 1833, that the clothes of agricultural labourers, which had formerly been woollen, had now become changed to cotton, an alteration arising out of necessity (cotton being cheaper) and much to be deplored; because in a variable climate like this, and especially in winter out-of-door employment, woollen was much more suitable, and much preferred. Are we, then, to be surprised at the extraordinary rise in the price of wool—when we know the cause—a rise from 8*s*. or 10*s*. a stone in 1827-8, before the rot commenced, to 24*s*. and 30*s*. in 1833-4? But we may rely upon it, that in proportion as the scarcity is filled up, the price will fall; it had already fallen at Christmas last thirty per cent; and the deficiency would much sooner have been made up, if it had not been that the capital of the farmers had been so exhausted before the loss of their sheep, that they had scarcely anything left to purchase new flocks with. To be sure they had the power of taking in the flocks of those capitalists who choose to speculate in sheep; and this has been done to a considerable extent. Then the fall in the price of meat also is very marked since last year. Stock has not paid for keeping the last winter. I hold in my hands a letter from a very intelligent farmer in my own district (near the wolds of Yorkshire), which is notorious for barley growing, stating the comparative prices of a great number of agricultural articles in February, 1834, and February, 1835. He gives the returns of two markets, Leeds, a manufacturing, and Malton, a purely agricultural one:—

Leeds, February 18th, 1834.

	Average price per quarter.				Per stone of 14 lbs.	
	£	s.	d.		s.	d.
Wheat	2	8	3¾	Beef	6	3
Barley	1	9	5¾	Mutton ..	8	9
Oats	0	17	10¾	Pork	5	6
Beans	1	13	7¼	Pig for salting ..	5	0

Malton, February 15th, 1834.

	Average price. per quarter.				Per stone.	
	£	s.	d.		s.	d.
Wheat	2	1	3¼	Beef	6	0
Barley	1	3	8¾	Mutton ..	8	2
Oats	0	16	1¼	Pork	5	0
Beans	1	10	6	Pig for salting ..	4	3

February 17th, 1835.

	Average price per quarter.				Per stone of 14 lbs.	
	£	s.	d.		s.	d.
Wheat	2	0	10	Beef	5	9
Barley	1	14	2¼	Mutton ..	6	5
Oats	1	2	7¾	Pork	5	0
Beans	1	16	7¼	Pig for salting ..	4	9

> February 14th, 1835.
>
> | Average price per quarter. | | | | Per stone. | | |
> |---|---|---|---|---|---|---|
> | | £ | s. | d. | | s. | d. |
> | Wheat .... | 1 | 15 | 8½ | Beef .... | 5 | 6 |
> | Barley .... | 1 | 9 | 10 | Mutton .. | 6 | 5 |
> | Oats .... | 1 | 0 | 1¼ | Pork .... | 4 | 6 |
> | Beans .... | 1 | 13 | 2½ | Pig for salting.... | 3 | 9 |

He goes on to say,

> You will perceive that wheat has again fallen in price this year, more than the full amount of rent now paid, notwithstanding the reductions which have taken place the last ten or twelve years. The price of barley, oats and beans may appear to the philosophers to contradict this; but from inquiry of many farmers in this district, and men occupying different soils, I find that the average of barley will not be two quarters per acre, oats four quarters, beans two quarters—produce of last year (1833) on an average—barley nearly four quarters, oats six quarters, and beans two quarters. Bean crops in 1831 and 1832 averaged four quarters at least. If you calculate the value this year, by the quantity of barley and oats per acre, you will find though prices are higher than last year, there is a serious loss to the growers from the falling off in quantity.

Such is the condition of the landed interests of this country at this moment. And I ask, and I ask boldly, is this state of things to continue. Land cannot be cultivated at the present prices; let Parliament declare once for all whether it will encourage a system which has brought this distress upon us. It is for Parliament to say how much land is to be thrown out of, or to remain in, cultivation. Let it go to work in a business-like manner; let it address his Majesty to send out a Commission to inquire, and to report, after minute investigation, how many acres of arable soil there are in Great Britain, that will pay a profit at 5*s.* per bushel for wheat. My firm conviction is that the Report, if faithfully made, would state that nineteen acres out of twenty, would not pay a profit at such a price; and I am as confident that it would report that one-third or fourth of the arable soils could not pay a profit under 7*s.* or 8*s.* a bushel for wheat. If we had a report of this kind, we should know on what ground we stood; we should then see what sort of Ministers those were, who, with these facts before them, dare perpetuate a system, that will lay waste the greater part of the cultivated soils of the kingdom. No, Sir, it could not be; I am convinced it is ignorance alone of the real state of the farming interests which causes such an apathy on the part of our rulers, with respect to proposals for relief. This ignorance is confirmed by a mistaken notion on the part of some members whose estates are in a great measure confined to the upland districts, that the results of the wet seasons, which have been so favourable to them for three or four years, are likely to continue. They probably come to the Minister and tell him that all this history of extreme distress is exaggerated, that they know from their own experience, that rents are very fairly paid, and so on. This is all very agreeable to the Minister to hear, for he his afraid of giving offence to other interests, and especially to the monied interest, by appearing to take too great an interest in the rise of agricultural produce. But what can be more shortsighted and contemptible than such a view; which not only betrays an ignorance of the cause of the uplands having a temporary, and that a very temporary, advantage; but also a cold-blooded indifference to the sufferings of those, from whose sufferings alone, those upland soils have been preserved from destruction.

Again, there are some who imagine all must be prosperous because they are. I know an instance of a Gentleman who always wonders at hearing any complaints of distress:—"His rents are well paid, and he is as rich a man as ever;" and he appeals to his agent in testimony of the truth of this statement. On inquiry, I found that great part of this estate had been actually brought into cultivation by means of bone dust, about ten years ago; that a large lime-quarry, which served almost the whole neighbourhood, had lately been opened on his estate; and that a rail-road had sprung up close to him: while the steward, notwithstanding the fall in prices, had never had his salary reduced. Here was cause enough for prosperity; had it not been for these adventitious circumstances, what would have been the condition of that estate? What could have prevented that Gentleman and his tenants sharing the fate of their neighbours? I repeat, Sir, that if wheat is to remain at 36*s.* or 38*s.* a quarter, and there is no hope of a rise except from some action on the monetary system, at least half the arable land in the country will be unable to bear any rent at all. I mean arable land disconnected from pasture land, the latter of which has lately had advantages from the rise in wool and stock. We are come to a pretty pass indeed, if an acre under the plough cannot pay its own expenses. Arable land ought to pay a profit, *per se*, independent of all connexion with grass; but I ask whether, during the last four years, three-fourths of the arable land could have paid rent, if the whole had been farmed without the intermixture of grass land? Every one knows, who knows anything of farming, that for those years the profits on wool and stock have only covered the loss on the plough. I would here call the attention of the House to some calculations as to the profits of farming, drawn up by a more practical agriculturist than myself, (although I am one),—I mean Lord Western. I see that the right hon. Chancellor of the Exchequer smiles, because, I suppose, he thinks that Lord Western entertains an opinion similar to mine on a particular point,—the evils arising out of the change in the currency. The right hon. Gentleman may smile; I can only say, that if Lord (then Mr.) Western's views on that subject had been acted upon, and his Motion granted in 1822, thousands of broken hearts would have been spared, which have descended from comfort and competence to the workhouse and gaol, and have there quitted the scene.

My noble and right hon. Friends now occupy the Treasury Benches, and I rejoice that they do: but I never held an opinion more strongly in my life than that they would not have occupied those places but for the misery, destitution, and discontent arising out of the change of the monetary system in 1819. It was this which was the fruitful source of dissatisfaction with all established things, and it was natural that such should be the consequence: for what value can the productive classes have for any Government, or system of Government, which does not protect their property and promote their comfort? I do not mean to infer that Reforms were unnecessary. I have been pretty constant in my support of most of the measures of Reform introduced by his Majesty's Government; but I cannot conceal from myself that the popular excitement in favour of these Reforms has sprung from uncomfort and distress; and although I may rejoice in this result, I cannot but deeply lament the cause; especially since, if it continue, the best of our institutions may be as insecure as those which have no foundation to stand on. In my opinion, therefore, he who was the most able opponent of the Reform Bill, being the author of the Act of 1819, was himself the foremost cause of the success of that Bill. The following is Lord Western's calculation:—

> I suppose a farm of one hundred acres, of fair, good, arable land, well cultivated upon the four course system, the produce of the wheat, at 3½qrs. per acre, barley, 5qrs., beans and peas, 3½qrs. Wheat, during near a quarter of a century (from 1797 to 1819) had averaged 80*s.* the quarter; fifteen years preceding 1819 85*s.*; the rent founded upon these data I take at 35*s.* per acre; the moment the Bill passed the markets fell 30 or 40 per cent., and in the fifteen years succeeding, the average price has been, as near as may be, 55*s.*; it has subsequently fallen still lower, and is, I believe, now only 40*s.* I therefore consider the price of wheat to have fallen, on the average, 30*s.* per quarter; barley, 20*s.*; beans and peas, 20*s.* Upon these grounds I estimate the reduction of the money receipts of the farmer upon 100 acres to amount annually to 325*l.* The reduction of price upon clover, tares, and turnips, is loosely estimated, but moderate. I take no notice of the change of price of various minor articles, the produce of such a farm. This aggregate and enormous difference in his return, I think I clearly establish, upon the following calculation;—I take the produce on the four course system to be as under:—

	Acres	Qrs.		Diminution. £	s.
Wheat - - -	25	—3½ per acre	——30*s.* per qr. - - -	131	15
Barley - - -	25	—5 ditto	——20*s.* ditto - - -	125	—
Beans and Peas	12½	—3½ ditto	——20*s.* ditto - - -	42	—
Clover - - -	12½	—	—— - - - - - - -	15	—
Turnips & Tares	12½	—	—— - - - - - - -	12	—
And Fallow -	12½	—			
Acres 100.				£325	15

> If the landlord reduces 15*s.* per acre, or, in other words, reduces his rent from 175*l.* to 100*l.* the tenant has 75*l.*, to set against 325*l.*; if the landlord sinks his rent 20*s.* the acre, and, instead of a rent of a 175*l.*, puts up with a rent of 75*l.*, the tenant has 100*l.* to set against 325*l.* I will not stop to comment upon the situation of the landlord under such circumstances—it must be too obvious to need any observations. I will go on to suppose

the entire rent done away: the tenant will still be under the necessity, singular as it must appear, to reduce his expenditure in other ways to the extent of 150*l.*, to make up, with the rent of 175*l.*, the loss of 325*l.*, to put himself upon the footing on which he stood prior to the year 1819. I cannot discern where he can look to for means at all adequate to effect this reduction, even if I give him the malt-tax wholly repealed into the bargain.

Now, this calculation is in reference to land of a superior quality; bearing 3½ quarters of wheat per acre; (the average of the kingdom being certainly not more than 2½ quarters), and 5 quarters of barley, which is 1½ quarters more than the average crop. If such are to be the consequences, from the fall in prices, to soils of this superior description, what is to become of others inferior in quality to this? And not less than two-thirds of the whole are inferior. What is to become of the labourers — what of the tenantry? I cannot conceive how the Legislature can allow such a state of things as this to continue. Nothing can be more alarming in this respect, than a statement which I heard the other day, unparalleled, I believe, in the history of agriculture. I do not see the hon. Member for Inverness in his place, otherwise, I am sure, he would bear me out in this statement, that in Scotland they are at this moment adulterating oatmeal with wheat flour. The straw on an acre of land, I am informed, has actually sold lately in London for a higher price than the wheat itself. The landlords, Sir, have their necessities as well as others, I believe, if the rent paid for the last five years had been graduated according to the amount of profit arising from the produce, they would scarcely have received any rent at all for their land. I have even heard of cases this year, where the whole half-year's rent has been foregone; and other cases where the landlord has been compelled to cut down young trees of under fifty feet of wood, in order to make up some compensation for the loss of his rent.

Sir, the agricultural interests will be in a much worse condition, when the prices of wool and stock find their level. Before that visitation of providence, of which I have spoken, took place among the sheep, in 1828, and the following years, wool was down at 8*s.* and 10*s.* a stone, and mutton down at 3½*d.* and 4*d.* per pound. When these prices again arrive, which they will, as surely as winter follows summer—when the present scarcity is supplied—then, and not till then, will the full measure of the agricultural depression be perceived. Blind and infatuated are those who rest supine, awaiting this tremendous crisis, and who seem resolved not to lend an effort to avert the impending storm. When it is too late to rescue thousands of innocent men, who have been ruined by no act of their own, but by a deliberate act of the Legislature, they will begin, perhaps, to repent of their selfish indifference. But my noble Friend, the Secretary for the Home Department, gives us this consoling advice: he told the noble Marquess (Marquess of Chandos), the other night, that the only way to relieve the farmer is to reduce his rent. Before the Agricultural Committee of 1833, it was shewn that rents had been reduced, on an average, about twenty-five per cent since the war, and that if wheat remained so low as 54*s.* per quarter, another reduction of twenty-five per cent must be submitted to. But now we are reduced to 35*s.* per quarter for wheat, and the whole rent on half the soils in the kingdom, must be swept away altogether, if this price is allowed by the Legislature to continue. I ask, why is the landlord to be called upon to sacrifice his rent, which is as fairly due to him, (being the interest on the capital he has invested in the land) as the interest of any other capital is to any other capitalist? Why is not this species of public property to be protected, as well as any other? The landlord made his investment in the land, upon the calculation of realizing three per cent for his money; and he consented to receive that low rate of interest on the principle, and on the pledge that land was absolute security:—and is he not to get one per cent on it? or is he to be called upon to forego the whole? What plea has the fundholder more than he? The fundholder bought into the funds, speculating on a higher profit; he expected he had a great risk to run, but he was willing to run the risk for the immediate advantage of a higher rate of interest; he got five per cent, when the landlord was willing to receive three; the landholder bought his land calculating on a less per centage, on the principle that he was to have the least possible risk to run. He was to have less immediate gain, but that gain was to be absolutely secured, and to be permanent; the fundholder was paid to run the risk;

he received the price in exchange for less security, and now he receives all the price, and all the security likewise;—while the landlord, who paid him to encounter this danger, has had all the danger to incur himself, and has lost his property in the bargain to that very party he had paid money to, to protect it. We are coolly told we must come down to the level of 1792—the times before the war. Would to God we were allowed so to do! 1792, with its higher prices, and lower taxes! What was the situation of the landlord in 1792? I have now before me an abstract from the books of an experienced agriculturist, on which reliance may be placed, which has been continuously kept by his father and himself since 1792, on a farm of 600 acres. The following are the results:—

	1814 Higher than 1834. Per Cent.	1834 Higher than 1790. Per Cent.
Agricultural Labour ..	44	46
Carpenter's Work ..	66	77
Smith's ditto ..	26	66
Saddler's ditto ..	26	63
Thatcher's ditto ..	28	58
Mason's ditto ..	20	66
	6)210	6)376
	35	62
EXPENSES.		
Household:—		
Tea, Sugar, Candles, Malt, &c. ..	67	30
Shoemaker's Work ..	25	64
Tailor's ditto ..	19	55
Cooper's ditto ..	33	73
Domestic Servants and Education ..	29	66
	5)173	5)288
	34	57
LOCAL TAXES.		
Poor-rates ..	33	116
Highway-rates ..	30	200
County-rates ..	69	550
Church-rates .	66	700
	4)198	4)1566
	49	391

The prices of agricultural produce in 1813 were, on the average, 100 per cent higher than 1834, (taking into the account an unnatural price in wool, stock, barley, oats, and hay from the rot three or four years ago, and the last two dry springs). Yet, with a diminished price in his produce of 100 per cent, the British agriculturist has experienced a fall of only thirty-five per cent on the wages he has to pay; thirty-four per cent in his household expenses; while he has to pay an increase of forty-nine per cent local taxation, with 100 per cent less price of produce.

Again, taking the same temporary causes into account for a rise in certain articles at the present time (as in the previous case) and no one practically acquainted with agriculture will deny that such exception must be made to come to a fair conclusion; the prices of agricultural produce in 1790, testing them by wheat, were as 49 to 42, or 15 per cent. higher than 1834: yet the agriculturist in 1834, although receiving 15 per cent. less for his produce, has to pay for his more than the agriculturist of 1790.

Labour	62	Per Cent.
Household expenses	57	
Local taxes	391	

Now, Sir, it appears that the rent of these 600 acres of land at each of these periods, if levied really according to the rate of prices and expenses of cultivation, would be:—

	1790	1813	1834
Rent ..	£851	£1227	£333

And this upon a farm more than commonly productive, and where the proportion of grass is unusually large—namely, nearly one-half: thus reaping the benefit of an adventitious rise in the price of wool, at least 300 per cent higher than it was four or five years ago, before the rot in the sheep flocks commenced. But for this circumstance of wool, sheep, and stock selling so high in consequence of scarcity, it is plain that the farm would, in latter years, have been worth scarcely, if any rent at all. Under these circumstances, is the landlord tamely to submit, not merely to the entire loss of his property, but to have the taunt thrown out on so many occasions, that he is grasping at a monopoly and calling for higher prices, regardless of the general interests of the country? Instead of thus tamely submitting to be led like sheep to the slaughter, my advice to the landlords is to resist to the uttermost this barefaced and unjustifiable attack upon their properties; this handing over of their estates into the possession of Jews and stock-jobbers.

The state of distress, Sir, which I have feebly endeavoured to portray, has existed with very slight intervals ever since the peace; there have been, indeed, occasional gleams of prosperity since that period; however, they were but of short continuance. The best estimate perhaps of the long continuance of this dreadful pressure may be formed from the Speeches which have been delivered from the Throne on the opening of the Sessions of Parliament, which have intervened. In 1815, distress was stated generally; and the Prince Regent's Speech, on the 28th of January, 1817, states,—

> The distresses consequent upon the termination of a war of such universal extent and duration, have been felt with greater or less severity throughout all the nations of Europe, and have been considerably aggravated by the unfavourable state of the season.

From the end of 1817, to the beginning of 1819, however, there was a recurrence of prosperity; then from 1819, to 1822, a recurrence of adversity; and again from 1823 to 1825, a recurrence of prosperity; and lastly, from 1825 to the present time, another recurrence of adversity; these changes and alterations, therefore, could not have sprung from the mere transition from war to peace, because, at various periods subsequent to the termination of the war, prosperity had arisen; shewing that prosperity should exist in time of peace.

There have been many causes assigned at different times for the prevalent agricultural distress; sometimes it has been over-production. The Prince Regent says, in 1817, it was under-production: first comes over-production then under-production then over-population,—as if over-population, and over-production were not the two things exactly adapted to each other; and, besides these delusive theories, we are told it is in consequence of a great supply of corn from Ireland. This is not the first time in our history, when distress, arising from a scarcity of money, has been attributed to the importation of Irish produce; to this, perhaps, I shall allude hereafter: but such reasons are vain and mischievous, and I verily believe they are only fostered and encouraged by designing men, who make a profit of our distress, and whose interest it is to deceive the suffering agriculturists into hopes that never can be realized.

As a corollary upon the Speech of 1817, there was a deficiency in the revenue—considerable excitement and disturbance throughout the country—the Prince Regent was personally attacked—and petitions for relief from taxation and for Reform were numerous. Sir, notwithstanding the smile of the right hon. Gentleman, the Chancellor of the Exchequer, when I mentioned, a short time ago, that distress was the parent of Reform, there does thus appear to be a close connexion and sympathy between the distress of the people and their desire for Reform; and what I had conceived as a probable result, is thus confirmed by history.

In February, 1818, the Speech announces a revival of trade and a removal of distress. It is well known that, upon the suggestion of the Government in 1817, the bank of England put 3,000,000*l.* or 4,000,000*l.* more of its paper into circulation; and consequent upon that were the higher prices of agricultural produce, and the removal of distress. I know it will be advanced by some that the rise in corn in 1817-18 was from deficient harvests; I am aware that 1816 was a deficient harvest: but we never have prosperity among all classes in a time of famine: whereas, in these years, the Speech from the Throne lays particular stress on the well-doing of trade; besides, all other prices as well as corn rose in 1817-18, which shows that other causes were at work. We find it stated again, in January, 1819, that "trade, commerce, and manufactures were in a most flourishing condition;" but mark the contrast in a few short months. On November the 14th, the House was called together on account of seditious practices in the manufacturing districts, and a spirit manifested for the "subversion of the rights of property, and of all order in society." This was at the end of the year after Mr. Peel's Bill had passed, although by the Prince Regent's Speech, in January of the same year, it appeared that "trade, commerce, and manufactures had been in a flourishing condition." Here we see the consequence of restricting the circulating medium, by which both the manufacturing and commercial interests were thrown into a state of depression. Here we have again corroborated the principle, that distress and discontent travel hand-in-hand.

In 1821, the Speech from the Throne declares "distress to be still pressing upon a large portion of the country;" "the foreign trade also in a state of depression." Gentlemen who remember the low prices of 1821, and who are clamorous for a lower price of corn for the benefit of the foreign trade, should also bear in mind the effects of low prices upon the foreign trade in 1821. On the 5th of February, 1822, the Speech states that the revenue was increased, the more important branches of commerce and manufactures in a flourishing condition; and the king proceeds to say, "I must at the same time, deeply regret the depressed state of the agricultural interests." On the 4th of February, 1823, the king declares the "continued depression of the agricultural interest," and the "flourishing condition of commerce;" and "there is a surplus revenue."

On the 3rd of February, 1824, the tone of the King's Speech was entirely changed. I had not the honour of a seat in this House at that time, but I doubt not there are some hon. Members present who remember the "prosperity Speeches" of his Majesty's then Chancellor of the Exchequer. His Majesty also states the "prosperous condition of the country, (wheat, remember had risen 20*s.* a quarter);—trade and commerce were extending themselves at home and abroad; and increasing activity pervading every branch of manufacture; increasing revenue; agriculture recovering from the depression under which it laboured, and a cheerful spirit of order pervading all classes of the community." Here is another illustration of the fact, that when the people are comfortable and prosperous, they do not trouble themselves much about reform. The prosperity of 1824, it is well known, proceeded from Lord Londonderry's One-Pound Note Act, and the pushing out of 3,000,000*l.* or 4,000,000*l.* of paper by the Bank of England; Lord Londonderry publicly declaring that he promoted these measures with a view of restoring prosperity.

The Speech on the 3rd of February, 1825, declares "A continued improvement in the state of the agricultural interest, the solid foundation of our national prosperity" (a doctrine which, I am afraid, has been lost sight of during the last few years). "All the great interests of the nation in a thriving condition; and a feeling of content and satisfaction widely diffused throughout all classes of the British people"—"Ireland participating in the general prosperity." Ireland, too! It seems in these times they had discovered the secret of assuaging the discontent of that country also.

The Speech from the Throne, on the 2nd of February, 1826, deplores the late pecuniary crisis; and proceeds—"Some of the causes to which this evil must be attributed, lie without the reach of Parliamentary interposition; nor can security against the recurrence of them be found, unless in the experience of the sufferings which they have occasioned." This is the sort of general mode in which we have always dealt with money and banking concerns; we slur them over, or lay the blame at the wrong door, and refuse all inquiry into the cause of any mischiefs arising from their operation. I may probably hereafter have occasion to speak of the causes of this panic, and shall be enabled to show, that it might have been prevented by Parliamentary interposition, and that it arose not out of a larger quantity of paper circulating, but because Parliament had neglected to provide a sufficient basis on which it could rest.

On the 21st of November, 1826, Parliament again met. In the Speech, depression and suffering in trade and manufactures are regretted — abating but slowly; and certain sorts of foreign grain, not then admissible by law, were admitted in September, under (I think) orders in Council. An amendment was moved to the Address, and rejected by 170 to 24. "That the cause of the existing distress is 'an excessive taxation, disproportionate to the reduced value of property, and to the diminished return for the capital employed in the land, in manufactures, and in commerce.'" Parliament appears to have begun at last to think that the transition from war to peace had not been the cause of all the distress.

The Speech on the 29th of January, 1828, states, that "A considerable increase in the export of the principal articles of British manufacture had taken place, indicating the continued abatement of commercial difficulties." That was the time when the Duke of Wellington was at the head of affairs, and Lord Althorp sat on this side of the House. I remember his speech upon that occasion: he stated, that though the distress appeared to have met with some abatement, he feared it was only temporary. Now I do not mean to insinuate that a seat on the other side had any effect on the noble Lord; but still, when he was sitting on the Treasury Benches, only a short time afterwards, his opinions seemed to change with respect to the character of the distress, showing that gentlemen in office either have not time to investigate into distress, or that they have one test to measure it by in office, and another out of office. Lord Stanley also declared, in 1828, that he believed the improvement to be superficial—the distress deep and lasting.

In February, 1829, the Speech speaks merely of the "improvement of the revenue." On the 4th of February 1830, it is declared—"That the exports, in the seven last years of British produce and manufactures, exceeded those of any former year; his Majesty regrets that, notwithstanding this indication of active commerce, distress should prevail among the agricultural and manufacturing classes." The cause assigned is—"unfavourable seasons, and other causes, beyond the reach of legislative control." An increased export, therefore, seems to form no criterion of the prosperity, in this case, even of the manufacturing interest, but certainly not of the agricultural interests; for, in the year 1822, when the petitions of the agriculturists were so numerous for relief, Mr. Huskisson stated that, notwithstanding these petitions, the exports for the last three years were increased. In 1830, also, when his Majesty deplored the continuance of agricultural distress, Mr. Huskisson made a speech to the same effect, namely,—that the exports for the last three years had considerably increased. To this day, it is the fashion with a certain party to boast of increased exports, to console the farmers for their distress; and I may remind my right hon. Friend, the President of the Board of Trade, that his speeches, on other occasions, have been quite consistent with those of Mr. Huskisson: for, in 1833, when the agricultural interest complained that distress had been going on so long among them, he quoted long tables of the increase of exports, to show how flourishing they ought to be. Poor comfort! I trust we shall hear no more of the exports being a test whereby to measure the degree of agricultural distress or prosperity. On three separate occasions it has failed of success; which shows, however great the identity of interest may be (and I believe it to be entire) between the agricultural interest and the manufacturers for the home market, that the export trade is in a great measure independent of this connexion, and may exist distinct and apart from it.

Parliament met again November 1830. The Speech remarks upon the "spirit of discontent and dissatisfaction among the people—breaking of machinery," &c.; so that Lord Althorp seems to have been right, out of office, when he stated the improvement to be temporary. This was about the time that the great cry for reform was so rife.

June 21, 1831, Parliament re-assembled. The Speech alluded to "local disturbances;" the desire for reform remaining unabated.

January 1833. The Speech laments the distress; and talks of peace affording the best and most effectual remedy. This was the meeting of the first reformed Parliament. Many petitions were presented complaining of distress. My hon. Friend, the Member for Whitehaven, brought forward a Motion for a Select Committee to inquire into the distress, and into its connexion with the changes in the monetary system, which had taken place since the war. This was resisted by the Government, and defeated by a tremendous majority. But two Committees were granted, subsequently—one to inquire into the state of agriculture; the other into the state of manufactures, trade, and commerce. Great distress was proved on the first; nothing was done to relieve agriculture; no report was made from the other; prosperity was attempted to be proved, but it failed. The one body, whose distress was undoubted, had no relief granted; the other, which was said to be doubtful in its situation, received immediate relief in the shape of a remission of the House-tax; and this was consistent with the manner in which applications for relief have generally been received in this House.

On the meeting of Parliament on the 4th of February, 1834, the King "laments the continuance of distress amongst the proprietors and occupiers of land." In 1835, he repeats the same, and hopes a remission of local taxation will relieve them. Thus the distress of the agricultural interests has now existed almost without intermission for eighteen or twenty years. I cannot but think it, therefore, to be the most important duty of this House to apply itself without loss of time to the consideration of some really effectual means of relief. No one denies the distress, although some perhaps are not aware of the awful extent to which it has proceeded. Is the country to submit to it any longer? It is no longer to be put off by such delusive apologies as the transition from war to peace. Low prices are peculiar, under ordinary circumstances, to war rather than to peace. Peace, from generation to generation, has been typical only of comfort and blessings; now our philosophers would have it a by-word for ruin and desolation. What were the prices at the different periods of peace and war during the last century? The following statement was made by the late Marquess of Titchfield in the debate on Mr. Western's Motion in 1822:—

The War of the Revolution from 1683 to 1697	2	10	8
1698 to 1701, Peace of Ryswick	2	12	6
1702 to 1712, War of Spanish Succession	2	4	11
1713 to 1739, Peace of Utrecht	2	0	4
1740 to 1748, War of Flanders	1	15	5
1749 to 1754, Peace of Aix la Chapelle	1	18	2
1755 to 1762, War of America	2	1	10
1763 to 1774, Peace of Paris	2	9	5
1775 to 1782, War of America	2	1	11
1783 to 1792, Second Peace of Paris	2	6	2

Making on the whole the price of wheat in peace higher than in war.

So that it is evident there is nothing in the nature of war to cause a rise of prices, unless some other peculiar circumstances are in operation to produce that rise. The peculiar circumstances, in operation during the late war were the Bank Restriction Act of 1797, which empowered the Bank of England to issue its notes without being called upon to exchange them for gold. Of course they increased their issues, and just as the issues increased, prices of every description rose. In 1819, the Restriction Act was put an end to, and the Bank compelled to pay their notes in gold; so that they withdrew their issues, and prices fell in proportion; and this was done in defiance of all the engagements which had been entered into at a rate of prices double to those that must ensue; and notwithstanding the actual doubling, in consequence, of the national debt. Here is the true secret of all our distress; and because we want a palliation of the mischief, it is said we want to go back to an inconvertible paper currency. We want no such thing, and the accusation is wilfully made to produce an invidious impression against us. We are convinced that the way to remedy an evil is to look to the cause of it; and, therefore, we seek and expect some mitigation of our distress, only through some modification of our monetary system.

But what has been done since 1815, when the distress began? We passed a prohibitory corn-law that year, making 80*s.* the pivot price. Did that raise the price of wheat? No it fell immediately after. We passed another corn-law in 1822, making 70*s.* the pivot; wheat immediately rose. We passed a third corn-law in 1828, making 64*s.* the pivot; wheat rose for two or three years after. It is evident, therefore, that corn-laws have not had the effect of raising the price of corn. What, then, has been effectual in raising the price and removing distress since the war? The facts are distinct and acknowledged. In 1817, the Bank of England, having withdrawn about 3,000,000*l.* of its notes, to prepare for cash-payments, again, at the suggestion of Government, let out 3,000,000*l.* or 4,000,000*l.* more of its issues, with the express object of relieving the distress. It did relieve it; and prosperity continued until the Bank of England notes were again withdrawn in 1819. From that time adversity continued until 1822, when Lord Londonderry, with the express pupose of relieving the distress, prolonged the existence of the 1*l.* notes. The Bank of England again increased their issues about 4,000,000*l.*, and we again had relief and prosperity. These issues were again withdrawn after 1825, and we have had adversity ever since. The higher prices of wheat of the three years succeeding 1828, were entirely owing to deficient crops. I may be taxed, from what I have said, with being an enemy to the corn-laws; I am no such thing.

As I understand it, Sir, at a certain given amount of currency in the country, you can only have a certain price for wheat. Now, supposing that to be 40*s.* per quarter, I maintain that no corn-law can raise it beyond that price. The effect of the corn-law, is to prevent foreign corn coming into the market at a cheaper rate, so as to depress it below the natural currency price of (say) 40*s.* If foreign corn can come in, duty-free, at 30*s.* per quarter, it will lower wheat in this country from 40*s.*, its currency price, down to 30*s.*, there or thereabouts; so that in the supposed case of 40*s.* being the remunerating price, the corn-law would be a protection of 10*s.* a quarter; but supposing we had a currency price of 60*s.* a quarter, the corn-law might then be a protection of 30*s.* a quarter. Let us not hope, therefore, that corn-laws alone will raise prices, or expect any mitigation of our distress, until the causes of it are removed. Effects will only follow causes, and until the causes be removed, the effects will never cease.

What, however, has been done since the year 1815 for the relief of agriculture? An Agricultural Committee sat in 1820, 1821, 1822, and they made several Reports; the first of which was July, 1820, with respect to the rumours of smuggling from Guernsey and Jersey; and this was the programme of what is going on now. The farmers cannot be expected to go very deeply into the causes of their distress, especially when it arises from so difficult a source to be understood as the operations of the monetary system. They know that when a greater quantity of corn than ordinary comes into the market, that it depresses the price; they therefore look about them for such an occurrence. They are told that Guernsey and Jersey have the privilege of sending corn here, duty-free, and also of importing foreign corn, duty-free. So they, naturally enough, suppose that fraud may take place. But they will cease to dwell on this as the cause of their distress, when they know that the investigation now going on before a Committee of this House, proves that the whole of the wheat imported from the Channel Islands into this country does not exceed 3,000 or 4,000 quarters. In 1821, there was another report made, dwelling chiefly upon the causes of the distress, which were in a great measure attributed to the change in the value of money. This Report was understood to have been drawn up by Mr. Huskisson; and it complained of the increased importation of Irish corn, and we are now repeating the same complaint; and we did so 150 years ago, under distress arising from a scarcity of money. The right hon. Baronet, the Member for Tamworth, on every occasion, takes great pains to attribute the fall in the price of corn to the importations from Ireland; and yet it is an extraordinary fact, that in the year 1834, wheat fell 10*s.*, though there was much less both of wheat and flour imported from Ireland than in the year preceding, as the following account from Liverpool will shew:—

From Ireland into Liverpool.	WHEAT. Qrs.	OATS. Qrs.	BARLEY. Qrs.
Total Import from 1st Oct., 1832, to 1st Oct., 1833.	421,414	331,561	18,280
Ditto from 1st Oct., 1833, to 1st Oct., 1834.	344,174	282,109	22,382
Increase or decrease during the 12 months ending 1st Oct., 1834, compared with the preceding 12 months	77,240 Decrease.	49,452 Decrease.	4,102 Increase.

From Ireland into Liverpool.	BEANS. Qrs.	MALT. Qrs.	FLOUR. Bags.
Total Import from 1st Oct., 1832, to 1st Oct., 1833.	13,629	5,042	293,665
Ditto from 1st Oct., 1833, to 1st Oct., 1834.	15,283	1,506	270,357
Increase or decrease during the 12 months ending 1st Oct., 1834, compared with the preceding 12 months.	1,654 Increase.	3,536 Decrease.	23,308 Decrease.

The supply of wheat last year, it thus appears, is deficient nearly 20 per cent. from Ireland into Liverpool; the port to which more than half the Irish corn is sent. And yet, in the face of this diminished supply from Ireland, wheat has fallen 10*s.* 8*d.* per quarter within the year.

How can it be said, then, that the fall of price is to be attributed to Irish importations—and where shall we go next for a subterfuge to conceal the true causes of the ruinous effects which are in operation? The Third Report was in April, 1822, concerning the proposed change in the corn-laws. The Fourth Report in May, 1822, related to warehousing corn under the King's lock. The next committee which sat upon the state of the agricultural interests was in 1833. I had the honour to sit on that Committee, and I never heard more faithful evidence given than was given on that occasion; and this evidence was not exaggerated in the Report which was made to the House: it was drawn up by the Chairman, the right hon. Baronet, the Member for Cumberland, who was then in the cabinet, and the picture of distress was anything but overdrawn. I will not weary the House by going into the details of the evidence now; the general tenour of it proved that the land had become depreciated in point of produce, in consequence of the necessities of the farmer having induced him to overcrop and scourge it, whilst his poverty disabled him from enriching it with manure—that the tenants were, three-fourths of them, insolvent—that there was a scarcity of live stock, because the necessities of the farmers were so great that they were obliged to dispose of them at two years old instead of waiting the proper age—that agricultural labourers were thrown out of employment, and that a better price for produce would bring them back again into full employ—that even at the then price of 54*s*. per quarter, the cold clays (the ancient wheat soils of the kingdom) must go out of cultivation; besides many other disastrous circumstances with which I will not now trouble the House. I feel bound to state, that instead of these evils having been relieved since that period, they have become tenfold aggravated. Sir, what are the real causes to which we are to attribute this distress? I have stated that the corn-laws have failed to remedy them. I am not prepared to say that I am ready to part with the corn-laws, because, as I have stated before, at a certain point, they are a protection, though they will never give the advanced price which our circumstances require. The true causes of the distress are to be traced, and traced alone, to the change in the currency in 1819.

In 1822, Lord Western told us that the distress which prevailed was owing to the change which had taken place in the value of money, and he brought forward a motion on the subject, which was lost by a large majority; but on every succeeding occasion in which the currency has been introduced into the House, there have been increasing numbers in favour of that having been really at the bottom of the distress. I have stated shortly before, how the farmers were affected by the change in the currency. By a larger issue of paper the war prices arose, —by diminishing that paper, prices were reduced one-half,—and there is no other method of raising prices again, but by some modification of the present money laws, except from scarcity, which is good for neither grower nor consumer. The general principles of this question are so well known to the House, that I will not dwell further upon them, except to say that no one has traced more clearly the connexion between an increased issue of paper, and an increase in prices, than the right hon. Baronet, the Member for Cumberland (Sir James Graham). I know not how he will vote upon this occasion; but I refer to a well known pamphlet of his, entitled *Corn and Currency*, published some years ago, which demonstrates how prices have been affected by changes in the amount of the circulating medium. During the debate upon this question, brought forward by Mr. Western, in 1822, there were sentiments delivered by Gentlemen of high character in this House, which we should do well to call to mind. Among others, Mr., now Sir Robert Peel, stated—

> Strong as his objections were to the inquiry, he could conceive a state of distress such as would require it; and if he believed the change in the currency had already caused such disasters, and was about to cause still greater disasters, he would then, though reluctantly, acquiesce in the motion.

Now, Sir, what have been the disasters to which the landed interest has been exposed since that time? Have they not been such as to call for strong measures,—such as to warrant inquiry? And yet the right hon. Baronet has always refused it. The noble Lord, the Secretary of State for the Home Department, said, the other night that the Committee of 1833 recommended the House not to interfere, quoting the words of Mr. Burke, that it was a "perilous thing to try experiments on the farmer;" but I say, Sir, that experiments have been made, and have been the source of mischief incalculable; and I ask, are experiments only to be made one way—to produce ruin? Is Parliament to be omnipotent for evil, and impotent only for good? What were the opinions of Lord (then Mr.) Brougham, at that time? What were his reasons for supporting the motion of Lord (then Mr.) Western, for an inquiry into this subject of the currency? He spoke thus—

> His reasons for supporting the proposition for inquiry were these,—Parliament had done that which gave the country a right to inquire, —Parliament had been the great actor in that portentous plot, the unravelment of which formed the subject of the present discussion; —in that plot, the full effects of which the country had not yet lived to see, but which was the cause of the evils under which, at present, it was labouring.

These were the opinions of Lord Brougham on the distress of the agriculturists in 1822: he goes on to say, complimenting a speech which had been made by the hon. Member for Whitehaven (Mr. M. Attwood), how absurd it was, now talking of an immutable standard after the violation of it for twenty five years: and after every one must have concluded that Government never intended to return to cash payments; adding, that if inquiry was not granted then, it would be forced eventually. In the same debate, Mr. Ricardo stated, "that if in 1819, the currency had been depreciated to 14*s.* from 20*s.*, he would have coined 14*s.* into a sovereign; but now, (after immediately before confessing that, the appreciation was owing to the operations of the Bank of England, which brought down the price of bullion) he would, as the depreciation was only 5 per cent. in 1819, adhere to the present standard." Now, Mr. Ricardo was the great oracle followed upon this occasion; and on very good authority, he is reported to have been subsequently convinced that he had been mistaken in his opinion, that the depreciation had been only 5 per cent.; on the contrary, he was satisfied that the depreciation had been 25 per cent.; then 15*s.* according to Mr. Ricardo's own principles, ought to have been coined into a sovereign; in other words, all debts and engagements ought to have been paid with 15*s.* instead of 20*s.* Debtors have thus been defrauded to this extent; but in fact, instead of 25 per cent., the depreciation had been 50 per cent. at least, measured in the prices of commodities, which were the true test; and all the misery consequent on the change of the currency, has been owing to the complete ignorance of the legislature on the subject; and we have been allowed to do nothing in any shape to rectify or modify the mistake, although the whole landed interest was sinking under it. I ask any candid man, if Parliament, in 1819, did not legislate under error? I ask any of the right hon. Gentlemen now before me, if that Bill of 1819 had again to be brought before Parliament, whether they would vote in the same way now as they did then? I am morally confident they would not. I ask whether they would return to cash payments, at the price of 3*l.* 17*s.* 10½*d.*, for gold? thereby doubling all public and private debts; and lowering prices one-half. I ask if they would not have coined the sovereign out of 14*s.* instead of 20*s.*? I think I know one noble Lord, of great authority in this House, the last time the subject was discussed here, and who then occupied the office of Chancellor of the Exchequer (I mean Lord Althorp) who would have done so. I think I have heard that he has stated precisely what Mr. Ricardo stated, that if he had known in 1819, what he knew now, he would have coined the sovereign out of 14*s.* Now, Sir, I am no friend to an inconvertible paper, I merely want a palliative for the existing mischiefs —I want no more. When a mistake has been acknowledged by the perpetrators of that mistake, are they to go on blindly and cruelly acting upon that mistake, because they have fallen into it? or, because some are too proud to acknowledge their error, is the country to be exposed to ruthless misery in consequence? One of the witnesses before the Agricultural Committee of 1833, said, referring to the ruin of half the farmers, that "half the forest had been felled, and that we must patiently await the felling of the other half." But are we to take this advice, and tamely submit to be filched of our properties? God grant that there be spirit enough left among a British public, to resist such an outrage on their rights, and their common sense. As Sir Francis Burdett said in the above debate in 1822, "It is not to be permitted that the people should die under it, because the King's Ministers did not choose to incur the responsibility of a remedy" Another motion was brought forward in 1830, on the same subject, but without success. In the debate upon that occasion, Mr. Poulett Thomson is reported to have said, that he "greatly preferred a silver to a gold standard (but not a double one); and he thought depriving us of a paper currrency by the Act of 1826 (this was for extinguishing 1*l.* notes), was driving us back into a state of barbarism. But he thought we had paid the price of these changes, and so he should vote against reverting back." Paid the price indeed! Had we paid the price in 1830, when no one denied the general distress? Had we paid it in 1833? Had we paid it now, with wheat fallen from 80*s.* to 35s. per quarter?

Sir, there are some who appear to think that because they are never tired of receiving this price, we are never to tire of paying it. If by the term, "paying the price," Mr. Poulett Thomson meant that the ruin consequent on the Bill of 1819 was at an end, no mistake was ever more glaring and mischievous. There is still a last price to pay; half the farmers in the country, in spite of all who have been previously swept away, at this moment are living on their farms by sufferance—a modification of Mr. Peel's Bill would give them the means of going on: to refuse all alteration is to drive them from their homesteads—to break up the kindly associations of generations—to bring them to the parish, or to expel them their country. Is this no additional price to pay—is not this a catastrophe worth the consideration of a beneficent Government to avert? Lord Howick (and I mention the last two names, because they are Members of the present Cabinet) said, on June 8th, 1830, I think on Mr. Attwood's Motion for a silver standard and 1*l.* notes, that "he would have gone into an inquiry upon a silver standard and 1*l.* notes, but not vote for the specific measures." I ought to state, that one cause assigned by Lord Londonderry, why he would not consent to Mr. Western's Motion, in 1822, was, that the change had so lately taken place,—so that it appears it was too soon in 1822, and it was too late in 1828, 1830, and 1833; and we shall hear the same doctrine repeated, I doubt not, to-night, in 1835.

If this were the only period in history when distress had followed upon raising the value of money, and increasing the pressure of fixed engagements, we might be the more doubtful of the cause of our present difficulties; but reference to our own history, even, will show this not to be an isolated case; and also that the country, ignorant of the cause of its distress, attributed it to a hundred delusive causes, rather than the right one.

> In 1670 (says Mr. Taylor, in his History of the Money-System of England) such continued to be the scarcity of money, that when the Subsidy Bill for granting one-twentieth of all estates was read a second time in the House of Lords, his Majesty being present, Lord Lucas spoke to the following effect. He began by stating, that all those hopes had been disappointed, under the impression of which his Majesty had been recalled to the exercise of the regal power: that the burdens of his subjects, instead of being lightened, had been increased, whilst their strength to support them had been diminished; that in the times of the late usurping powers, though the taxes were great, yet there was plenty of money throughout the nation to pay them with; but now (continued his Lordship) there is nothing of this: brick is required of us, and no straw is allowed to make it with. For that our lands are thrown up, and corn and cattle are of little value, is notorious to all the world, and it is as evident that there is a scarcity of money.

Now, only let us change the words "since the Restoration of Charles 2nd" for "since the restoration of peace in 1814," and for the "late usurping powers," insert the words "the late war," and we shall have an accurate description of all that has been happening for the last twenty years. Sir William Petty, also, speaking of the extreme scarcity of money in Ireland, about this time says—

> It would have been easier for the Irish labourer to have contributed forty-nine days' labour for the use of the State, if taken at seasonable times in the course of the year, than to raise 2*s.* for his hearth-tax at one period, and just when the collector called for it. This extremity of hardship appears to have been produced by the narrow policy of the British Government. The agricultural interest in England suffering greatly from the scarcity of money, was carried away with the impression that the introduction of Irish cattle into the English market was the cause of the farmer's distress; and Parliament was accordingly induced to prohibit the importation of Irish cattle into England.

Here was the same story—a change in the value of money the cause of the fall in prices—the farmers not understanding that there could be any other cause of a fall in the price of their cattle, except more cattle coming into the market, very naturally attributed the fall to the importation of Irish cattle; they had to learn, as many of them have at this day, that prices depend quite as much on the quantity of money in the market, as on the quantity of cattle or produce. The quantity of money and produce remaining the same, prices will remain the same. Increase the quantity of produce, the money remaining the same, prices will fall; decrease the quantity of produce, the money remaining the same, prices will rise. Increase the quantity of money, the produce remaining the same, prices will rise; decrease the quantity of money, the produce remaining the same, prices will fall. If the farmers will keep this invariable rule in mind, they will never allow the sort of adversity to come which they have so long experienced; and if it should come, they will know the cause and the remedy. But it is not modern history alone to which we may refer for the mischiefs done to a country by a rise in the value of money, and fall in prices, that justly celebrated and profound German historian of Rome, Niebuhr, speaking of the calamities arising in Rome from an appreciation of its standard of value, goes on to say—

> There are but too many countries where a

like state of things is to be found; where most of the landholders, though nominally they continue to be so, were they to discharge their debts, would have nothing over; and, till that time comes are farming their estates for their creditors, as the Roman debtor farmed them for the usurer.

In speaking of the depreciation made in the Roman money, Niebuhr says:—

> The deterioration of the coinage, in the manner usual among barbarous nations, and in ages of ignorance, is mostly to serve very stupid, nay, profligate ends; nevertheless there may also be a state of things in which it is wise, and even necessary, to adopt a lower standard. Through a nation's own fault its own smaller currency, or through circumstances that could not be forestalled, lighter money from abroad may have become predominant, and have driven the heavier out of circulation; the wish to restore it were to swim against the stream, and can breed only mischief and disgrace. If a State have fallen into the unhappy system of paper money, if this sinks in comparison with silver, then should a juncture of fortunate circumstances furnish the means of re-establishing a metallic currency, in a case of this kind it is altogether absurd, nay absolutely disasterous to do so, in such a manner, that the metal shall resume its place with the standard unchanged, and yet, that the sums in all contracts shall abide by their nominal amount; while it is impossible to keep up prices at the same height at which they stood in the time of the paper circulation. Nay, if even without paper money, all prices have been forced up for a course of years by extraordinary circumstances, far above the means of those which prevailed during the preceding generations, if the expenses and burdens of the country have increased at the same rate, and then the feverish condition should subside, and everything drop down for a continuance to the lowest average price; in such a case there is no hope of safety, except in a proportionate reduction of the standard, and to this result common sense has, in former times, led men; whereas theory and delusion now raise their voices against it.
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> At Rome the exigency was still more pressing. As in the middle ages, from the constant and unreplaced efflux of money towards the East, silver became scarcer and scarcer on this side of the Alps, and all prices kept progressively falling; so at Rome, as we have seen, copper gradually grew dearer in comparison with silver, and consequently with all other commodities; and this, although Rome had no national debt, and her citizens no hereditary mortgages, must still have produced extreme hardship and distress in a number of instances. The pay to the horsemen and footmen stood fixed at a stated number of As's; though the countryman received a fewer number of As's for his crop, his tribute, notwithstanding, came to the same sum as if money were not worth more than formerly.

Can anything be more applicable to our own case than these observations of Niebuhr, a historian, than whom no one stands in higher repute at the present day?

Would to God we had followed the example of America; during her struggle for independence with this country she found it necessary to depreciate her money to carry on the war. Owing to some cause or other, England, during that struggle, appreciated her currency; and this was the main cause of our ill success in that contest. During the late war, however, we depreciated our money; which, and which alone, I believe enabled us to resist successfully the gigantic power of Napoleon. But what was the respective conduct of England and America under the circumstance of their depreciations? America paid off the debts she incurred in depreciated money,—in money of the same value,—that is, in depreciated money: in other words, she paid as much as she borrowed, and no more. England, on the contrary, acted on entirely opposite principles. Instead of paying her depreciated debts in depreciated money, she is paying them in appreciated money. In other words, she is paying two bushels of wheat where she borrowed one; 600,000,000*l.* of public depreciated debt instead of 300,000,000*l.*; and she is paying in the same ratio, and to a far greater extent, I believe, her private debts. And what is the condition of England now, and what that of America? Is America accused of a breach of public faith because she paid only what she borrowed? In other days, Sir, England did not con duct herself so foolishly. In the reign of William 3rd. the currency had become so depreciated that the sovereign went for 30*s.* They appreciated the currency, it is true; but the old debts and taxes they allowed to be paid in depreciated money. It was Mr. Pitt, Sir, who was the author of the restriction on cash payments in 1797: he was aware of its full effects: would that he had lived to the year 1819! for I have it from a Member of this House, who heard it from a private and confidential friend of Mr. Pitt (I would repeat the name, but I do not feel justified in so doing), and in office with him, that Mr. Pitt had declared to him his intention of ascertaining the degree of depreciation on the return of peace, and adapting the standard of value to that state of depreciation. Had this been done 12*s.* or 14*s.* would have been coined into a sovereign; we should have had to pay very little more than we borrowed, but we shall have paid as much; no creditor could have suffered; while all debtors and tax-payers, which in fact are the millions, would have known the blessings of peace when peace came. Instead of which we have been bound, hand and foot, to the stern, implacable standard of *3l.* 17*s.* 10½*d.* per oz. for gold, which has pulled down prices, and brought on ruin. I seek, Sir, for a palliation of these tremendous evils. In my opinion we have seen enough of the effects of the gold standard. Surely, Prince Hal must have had it in his contemplation, in his speech to his dying father, when he said—

> "Therefore, thou best of gold art worst of gold;
> Other, less fine in carat, is more precious;
> But thou, most pure, most honour'd, most renown'd,
> Hast eat thy bearer up."

I know I shall be told that it is too late to go back. Sir, I am not asking to go back: and they who accuse me of it, know it; but they know, also, that when they cannot answer a fair argument, they can injure a cause by throwing invidious aspersions upon it. What I am seeking for is, a palliation of the evils which took place in consequence of Mr. Peel's Bill. I wish to go into a Select Committee to try if we cannot secure some substantial relief to the agriculturists of the United Kingdom. All the other plans have failed except such as have conduced to a larger circulation; and I wish a Committee to decide the question whether Parliament still has the power to afford relief. I contend that it has: it may say that it does not choose to adopt the remedy. But let the people know whether their Representatives have the power to relieve them or not. If they cannot in any way relieve them, then they will cease to hope, and, at last cease to be disappointed. If they can, yet hesitate to adopt the remedy, it is for the people, and the people alone, to decide whether the remedy shall be adopted. What some persons are afraid of is, that the people should get possessed of the knowledge that Parliament has the power to relieve, because they are convinced that they will never rest satisfied until relief be granted. I ask, as an experiment, and by way of palliation, for a silver standard; because I know, and no one can deny, that more Bank of England notes would be issued, and much more safely issued, than at present; and prices would rise as a necessary consequence. I am only asking for the ancient standard of the country,—that which was in existence up to the year 1816, and which Lord Liverpool abolished; and for what? merely to satisfy an abstract theory, which he and his father held in common, that gold as the richer metal ought to be the standard of a rich country. The fallacy of this argument is obvious. Why is a country rich? Because of the number of its commercial transactions. Now, can any one imagine that a scarce metal can carry on a great number of transactions as well and as easily as a metal which is fifty times more plentiful? But Lord Liverpool took his ground very much on the fact of this country having, during the last century, voluntarily adopted gold as the medium of payment. The fact is true enough: but why did this country adopt that course? Only because, from accidental circumstances, silver was comparatively scarcer during the greater part of last century than gold; and having the option of paying in either metal, debtors, of course, paid in the cheaper metal —which was gold. But the same reason for adopting gold then, ought to lead us to adopt silver now, because silver is the cheaper metal; and the debtors of this country have been robbed (in addition to the confiscation arising out of the Bill of 1819,) from 5 to 10 per cent., by the mere change in the standard from silver to gold.

Nothing will shew more clearly the comparative value of silver, during the last century, than the following statement. At George 3rd.'s succession to the Throne, 1760, the coins, especially silver, were in a very imperfect state. The crowns and half crowns had disappeared, although nearly 4,000,000*l.* of them had been coined since the general recoinage of William 3rd. Now, this fact of the crowns having been abstracted from the circulation is an evidence of their value, for if there had not been an advantage in withdrawing them, it would not have been done. The Mint sending silver out at a low price, when the market price is higher, will always make it a profitable concern for individuals to melt the coin, and sell it at the market price as bullion. At this time shillings and sixpences were principally current (in silver): 4,000,000*l.* of these, also, had been coined within the same period: every stamp and impression had worn away; there was probably one-sixth deficiency of weight in the shillings, and one-fourth in the sixpences. But what shews the preference of the people for gold during the last century is the fact, that from 1717, (when Sir Isaac Newton made his report on the relative value of gold and silver at the Mint, and in the market), up to 1760, silver had been brought to the Mint to be coined, only to the amount of 584,575*l.* 14*s.* 11½*d.*—a period of forty-three years, which plainly shews the dearness, (in comparison) of silver; for if the market price had been beneath the Mint price, there would have been a gain in taking silver to the Mint to have received back the higher price paid by the Mint. I have said that silver was the ancient standard of the country, the standard price being, from the time of Elizabeth, 5*s.* 2*d.* per ounce. I should, however, have qualified this statement, by saying, that in consequence of the wearing away and debasement of the coin in the last century, as a temporary measure passed from year to year, from 1774 silver was a legal tender in tale only to the amount of 25*l.*; but in weight at the rate of 5*s.* 2*d.* per ounce, to any extent whatever. The real standard practically, therefore, in the last century was, in consequence of the debasement of the silver coins, equivalent to about 5*s.* 6*d.* per ounce of our present money; that is to say, supposing the present market price of silver to be 5*s.* per ounce, the standard of the last century was easier for the debtor by 10 per cent. than the existing standard; and supposing the price of silver in the market to be 4*s.* 9*d.*, which it has been within the last three or four years, the disadvantage to the debtor now compared with the time previous to the war is 15 per cent.—I mean in consequence of the change from silver to gold. But at 5*s.* 2*d.*—the old standard price—we should gain great advantage indirectly, as well as directly. We have the first authorities on our side in favour of silver as a standard. Mr. Locke stated that silver was the only fit commercial measure of value, and that gold ought to be allowed to find its own *agio,* or premium, in the market. He did admit, it is true, that gold might be suffered to be coined; but it was merely an admission, not an opinion, in its favour. Before the Bank Charter Committee of 1832, many of the witnesses were favourable to a silver standard. Among these Mr. Horsley Palmer, then Governor of the Bank, is asked,—

> What is the par of exchange between two countries, one of which has a gold, and the other a silver currency?—In this country, it is the price of the gold currency in the foreign market at the moment.
>
> Then anything like a permanent par of exchange between countries, one having a gold and the other a silver currency, cannot be?—It cannot exist.

Now this is of great importance as bearing upon the exchanges, for I shall endeavour hereafter so shew how seriously industry suffers in this country frequently through the operation of the exchanges.—Again, Mr. Rothschild is asked,—

> Would silver regulate the exchange precisely as gold?—Certainly; and in France and on the Continent, rather more.
>
> You have said, that when any of the Continental powers wish to supply their military chests, they always make a demand for gold?—Certainly.
>
> Does not that produce considerable fluctuation in the price of gold?—Not very much, because gold in general is not so much wanted on the Continent as silver? silver is the regular coinage of those countries.
>
> Do you think that the value of silver is as little subject to variation as the value of gold?—Silver has no variation, because there is a coinage of silver; so that there can be no difference in silver, except at some times when it is wanted by any European Government for particular purposes.
>
> Has there been a great export of gold from France at different times, for the purposes of foreign war?—Certainly: in general the gold is bought up in France, before it goes from this country; and if there is a scarcity in France, then it is fetched from here.
>
> Does the demand for gold from France produce a scarcity of money in France?—No.
>
> Why is that?—Because the gold is in general in private hands; it is merchandise there.
>
> If there was a demand for silver from France, would not that produce a scarcity of money in France?—Certainly, because it is the coinage of the country.
>
> Then whenever there is a demand upon a country for a metal which is the standard of value, it will produce a scarcity of money?—Certainly.

This evidence is of great value at the present moment: gold is the standard and currency of this country, but of no other country under the sun, unless Portugal have lately adopted it. Now, gold is the most convenient for export, and therefore the metal most in demand for export, when any balance of trade has to be rectified, or when it is wanted for army chests in case of war, or other purposes. Silver not being required so much for these purposes, retains its place as currency in a country where silver is the standard; and this is of incalculable benefit to trade, as a means of sustaining an equilibrium of prices, because every time the standard money is withdrawn, the paper also is withdrawn which depends on the presence of that standard-money for its convertibility,—and then prices fall. But where gold is the standard, it is perpetually exposed to fluctuations. The Bank of England is bound by law to pay all its notes in gold. It is alarmed, therefore, whenever gold is leaving the country. This was the cause of the panic in 1825. That panic has been mischievously attributed to one-pound notes. It is true that one-pound notes had an influence in raising prices, and that had a tendency to drive gold abroad; but if silver had been the standard, at the old standard price, no panic would have ensued. It was the gold standard that caused the panic. The farmers want one-pound notes, but they ought first to have a silver standard as a safe foundation for them.

There was a rule laid down by the Bank of England in 1832, that they should keep as much gold in their coffers as corresponded with one-third of their liabilities, that is, if their liabilities, were 30,000,000*l.* — they would have 10,000,000*l.* of gold in the Bank ready to answer their notes and other engagements; and they declared they should not be safe without this proportion. But what is the situation of the Bank at this moment; their liabilities are near 30,000,000*l.* while their bullion is only 6,000,000*l.* There has been a drain of gold from this country in consequence of changes taking place in the currency of Portugal and the United States, for the last year; the Bank of England are drawing in their notes, and refusing accommodation,—all of which is most injurious to agriculture and trade,—because they are alarmed for their own safety. But ought this to be the footing on which our monetary system should be based? I ask for a change from a system so perilous and destructive as this, especially under the circumstances of the supply of the precious metals from the mines for the last twenty years, being only in the proportion of one-half of the supply of the twenty years preceding, which is of itself sufficient ground for requiring greater facilities in obtaining the measure of exchange. We have no means of knowing the actual price of gold, because we coin it here at an arbitrary fixed price of 3*l.* 17*s.* 10*d.* per ounce: it is always to be had here at that price. When foreigners want it, therefore, they would be great fools to give more than 3*l.* 17*s.* 10½*d.* for it, when they can get it here for that sum. The market price of gold is therefore always kept below the English Mint price, except under circumstances the most extraordinary. We know not, therefore, whether, in consequence of the change, from silver and gold, to gold alone, we have not a standard at this moment 20 per cent. more appreciated than we had last century—in addition to all the far greater pressure occasioned by the change from paper to gold in 1819.—In favour of silver as a standard, there is another authority I shall quote, whose opinion has always had great weight with the House on subjects of this nature —and deservedly so—because no one has been more extensively engaged in trade, or has prospered more in it, or studied its principles more deeply: I mean Mr. Alexander Baring, now Lord Ashburton.—It may not be generally known to the House, that a Committee on Coins was appointed in 1797, which continued to sit at various times, and is supposed still to be in existence. They sat in 1797, and had various meetings, the Minutes of which have been preserved, but not printed, except those of 1828, when they sat again. The right hon. Member for Cambridge (Mr. Goulburn), was then Chancellor of the Exchequer, and at the suggestion of my hon. Friend, the Member for Norfolk (Mr. Wodehouse) these were allowed to be printed for the use of Members. It appears from the Minutes of the Evidence, that the subject of silver as a standard was the main object of their sitting; and I will just mention the names of the Committee in order to show that others, besides those who complain of Mr. Peel's Bill, can entertain the question of a silver standard without being taunted as friends of inconvertible paper. The Committee, which sat in 1828 was composed of the Duke of Wellington, the Earl of Dudley, Mr. Huskisson, Mr. Peel, Earl Bathurst, Lord Ellenborough, Mr. Arbuthnot, Mr. Herries, Lord Bexley, Lord Maryborough, Mr. Grant, Mr. Lewis, Mr. Goulburn, the Earl of Aberdeen, Viscount Goderich, Lord Farnborough, Mr. V. Fitzgerald, Mr. Wilmot Horton.—Mr. Alexander Baring was summoned before this Committee, and I will take the liberty of reading part of his evidence, and if I do it largely, it is because I attach, and I am sure the House will attach, much importance to evidence from such a source on such a subject.

Is it your impression that it is possible and desirable to maintain in this country a silver urrency as a legal tender, founded on the proportion of silver to gold, established in the currency of France; or something very near it, at the same time that we maintain our present silver currency, which is obviously not in that proportion, and that there would be an advantage in that system?—I have always thought so, and certainly think so still. I have no doubt about it.

Mr. Baring goes on to say—

A sudden change from peace to war, a bad harvest, or a panic year arising from over trading and other causes, immediately impose upon the Bank of England, which is the heart of all our circulation, for the purpose of protecting itself, to stop the egress of specie, sometimes even to bring in large quantities into the country. These indispensable remedies are always applied with more or less restriction to the circulation, and consequent distress to those who have been for some time trading under expectations of the ordinary facilities of circulation and banking. No care or prudence can enable the great Bank, on which all smaller ones rest in the day of trial, to avoid occasional resort to those measures of self-defence; and that system of currency is the best, which admits of their being made the least frequently and with the least possible effort and derangement. Now it is evident that the Bank, wishing to reinforce its supply of specie, can do so with infinitely increased facility, with the power of either drawing in gold or silver, than if it were confined to only one of the metals. The choice is already much but the circumstance that silver is the practical standard of Europe, more than doubles the certainty and facility of procuring a supply.—Bills on Paris, Amsterdam, Hamburgh, &c., once taken, secure silver, in which they must be paid; but if gold alone will answer the purpose of the Bank, gold is a merchandise which you must go into the market and buy. It may be forestalled by others speculating upon the Bank's known necessities, it will always be enhanced in price by them, and the real increased difficulty acting in an increased ratio upon the apprehensions of a body of Directors, whose characters are at stake, will lead to extravagant precautions, the tendency of which will always necessarily be to cramp and reduce the circulation, and to increase the existing distress. * * *

That the efforts of the Bank for self-preservation in 1825 made great havoc among its dependents through the country, is well known, and I believe it is equally so, that while it was rummaging every corner of Europe for gold, which could alone answer its purpose, it was sending large sums of silver from its coffers, which were perfectly useless. The wants of the Bank, when they occur, interest speculators and jobbers of every description, and, independently of operations to derive a profit from the price of the gold wanted, there will be persons interested in thwarting the Bank and preventing its supply. A large capitalist might do this with effect, a combination of three or four might do it almost with certainty, and it should be here stated that the Banks of France and of Amsterdam both make advances at a very low rate of interest on the deposit of gold? I believe they advance the value less 10 per cent. By this means an advance of 100,000*l.* would lock up 1,000,000*l.* and 1,000,000*l.* would lock up 10,000,000*l.* It will easily be seen what advantage this circumstance affords for the combinations I have mentioned. All this is avoided by adopting the same medium of circulation with the rest of the world; by that alone you can go to the common stock for that occasional aid which no precaution can prevent your sometimes wanting, for it would be uselessly extravagant for any country to hold permanently that supply of the metals which occasional accidents may render necessary. To be safe, you should make yourselves one of the general community of the world, for this purpose; any attempt at peculiarity deprives you of the benefit to be derived in the hour of need from the uniformity of the thing needed and the consequent facility with which it can be procured. The greatest facility would be attained by being able.to use the two metals. That they can be so used, the example of France abundantly proves. But if it be desired that only one should be taken, I should certainly prefer silver for the purpose of conformity with other countries, and thereby opening to ourselves a more certain supply when needed. It has been somewhere said, that the more precious metals suited the richest countries. I cannot understand the meaning of this. If this country has a more than ordinarily artificial existence, an enormous debt, an artificial price of food, a very extensive internal and external trade, while the precious metals, which are to be the basis which is to carry and secure the circulation necessary for such a bloated mass, are not materially increased; if, above all, a large portion of this circulation must of necessity be paper; we should surely be the last people to narrow the base of all this, by refining upon a question more suited to philosophers than practical men, as to the mathematical precision of a metallic standard, and content ourselves with that which satisfies and answers the purpose of the rest of the world. The difficulties we make about the possible variations between gold and silver, of an almost imperceptible fraction, leads us to overlook the really important variations which occur in the value of money as composed of its two elements, paper and metal, every time the fetters of these restrictions lead the Bank to the forced operations which I have described. These operations, in 1825, made probably a real fluctuation in the value of the pound sterling of 15 or 20 per cent.—in many cases, perhaps, much more—a large portion of which may be fairly ascribed to our pedantic attachment to the supposed perfection of the standard of a single metal.

It is further to be recollected, that the larger portion of the silver of the New World passes through our hands, which would give us a great facility for that constant supply, which, under the system I recommend, would enable us to maintain most effectually an equable value of the pound sterling; for, as I have already said, the value of this compound of paper and specie is more affected as compared with commodities, by the sudden changes in the amount of paper abroad, than by any other circumstance.

Justice between debtors and creditors throughout the country is best done by keeping the value of money as compared not to one single article, but to all, as nearly equal as possible. Now, it is well known that any extent of paper we can find the means of keeping in circulation must be still inferior to what has existed before our return to cash payments; further, we have enhanced the value of money in Europe by our demand of gold for that purpose. Every consideration, therefore, of justice, of policy, and of economy, recommend the encouragement of as much paper as can be suffered with entire safety, and consistently with the avoiding those shocks and convulsions which are the inevitable consequences of any material excess. I believe this to be best attained by building upon the base of the double standard, or if not of the double, of the single silver. With this, I believe, the Bank will work with more ease and confidence, as will consequently all those subordinate establishments which partake sympathetically, but infallibly, of its ease and quiet as of its ailings and apprehensions; and if this be true, it is equally so that the Bank, having an easier recourse to the means of reinforcement, could safely afford to work with a smaller ordinary deposit of specie. The power of easily acquiring is equivalent to possession, and in this manner by removing impediments to the means of supply, you make a real increase of wealth.

These reasons have invariably induced me to think that we made a great mistake at the last settlement of our currency, in departing from our old system of the double legal tender. The events in 1825 strongly confirm that opinion, and I feel confident of the entire unsafety of our present system. We should acquire much present ease and facility by the change, and give to our paper circulation that power of contraction and expansion within reasonable limits, which is essential to its healthy action. Without it, I feel a strong conviction that we should not get through two years of any expensive war, without a renewal of the catastrophe of 1797, and a people so heavily laden as we are, would not easily recover a second time from such a misfortune.

* * *

Would not the weight and inconvenience of a silver coinage either give a great preference to gold, and occasion an agio upon it, or introduce a greater circulation of paper?—I think it would. In speaking of the facility that a system of this sort would give the Bank (and when we talk of facility to the Bank, it is facility to the country), it would be well for your Lordships to consider the increased facility which has arisen to the exportation of coin, from the two circumstances of the perfection of the present coin, and the repeal of the law which formerly prohibited its exportation; because, although the change may be beneficial—and on the whole I think it is, though one is perhaps sometimes a little disposed to lose sight of the practical working of measures in favour of general principles—I think we cannot well object to the perfection of the coin, and the law which permits the free circulation of it; but there is no doubt that the machine moving with less friction, the coin goes out of the country much more rapidly than it used to do in old times; a person then collecting the gold, with all the imperfection of it in weight and risk of counterfeits, was materially clogged in his operations; and if you add to this, that the fact of its being illegal to export the coin prevented all persons of character doing it, the exportation was reduced to persons who would violate the law, the difference of easy actual exportation under one law and the other must be very considerable. * * *

I think also the Bank would derive considerable advantage from silver being less easily moved and used than gold; that the facility with which persons can carry off thousands of pounds in small bags in the case of gold, and the difficulty of doing the same thing in the shape of silver, creates mechanically a security to the Bank, and gives to the institution more time for preparation. *

The consideration of the greater extent of our transactions and engagements, as compared with France, and especially of our greater use of paper in them, lead me to the conviction that we require the larger base of the two metals. Undoubtedly, for practical use and comfort, our present currency is convenient; but I cannot divest myself of the apprehension that our present is a fair-weather system, which the first clouds will endanger. This was proved in 1825; for although that crisis may in some degree have been brought about by mistakes, if we legislate on the presumption of absolute wisdom presiding over the Bank and the Government of the day, we shall be frequently disappointed. I am convinced that we shall not easily see two campaigns of any expensive war, without another suspension of cash at the Bank; and I am willing to put up with some inconvenience and apparent imperfections in our current coin, for the more essential security to property, which I believe to be connected with the essential permanency of our standard.

I fear I have wearied the attention of the House by making these large selections from Mr. Baring's evidence; but it was of importance to my Motion that this House should not be in ignorance of the opinion of so high a practical authority. There is more of the evidence which is well worth attention; but I will not detain the House by going further into it. To my mind, the great principle of our legislation on this subject should be—and this view is corroborated by the authority I have just quoted—to secure the certainty of ultimate convertibility, but to place obstacles in the way of a conspiracy of individuals, arising either out of panic or design, coming suddenly on the Bank with demands too large for the Bank to pay at once in gold. The legal-tender clause in the late Bank Charter Act was intended to prevent any internal drain upon the Bank, that is, through the country banks. No one now has a right to demand gold at a country bank for any sum above five guineas, being obliged to receive Bank of England notes in its place. This very effectually protects the Bank of England, and yet is perfectly satisfactory to the public; for, as Mr. Baring said, facility to the Bank of England is facility to the public. The right hon. Baronet, the Member for Tamworth, was very determined in his opposition to this legal-tender clause, saying, that it struck at the root of convertibility. Who does not now see that this was an extravagant and theoretical alarm? He also said that it would be impossible for it to be carried into operation without the re-introduction of one-pound notes. There again he was mistaken. At the same time I shall not be sorry if it in any way tend to bring back the one-pound notes; but I wish them to be on a sure footing. Greater facility to the Bank of England in conducting its operations—the great and constant plenty of silver on the continent of Europe, where it is the general currency—the less liability to export, and so standing in the way of those fluctuations in the quantity of the circulating medium which have such an effect upon prices, and are so ruinous to trade, and which are the bane of the present system; these seem to be the chief advantages of a silver over a gold standard. Sir, there is, however, another reason why some change is necessary in the present system, and in the present standard. I ask, what is the state of the Bank of England at the present moment? Last Friday, Exchequer bills were at par, having been at a premium of 47*s.* two or three months before—an occurrence which has not been known since 1825.

The *Chancellor of the Exchequer* (across the Table): That was an accident.

Mr. *Cayley:* The right hon. Gentleman says it was a mere accident. It was no accident: it was the result of a vicious system. Whenever the Bank, it is well known, wishes to enlarge its circulation, it buys up Exchequer bills, sending out its notes in their place. On the other hand, when it wishes suddenly to diminish its circulation, it sells Exchequer bills. It has lately been selling them, because its gold has, for the last twelve months, been gradually reduced from 10,000,000*l.* to 6,000,000*l.* To sell Exchequer bills is the last resort of the Bank under such circumstances. It has been unable to recover its gold. At last it resorted to the sale of Exchequer bills, in such quantities as to lower their price, and to cause them to sink to par. But it did not get the gold for them after all. Such is the absence of profit in any productive investment, that there are about 12,000,000*l.* of deposits in the Bank of England, lying there without interest, watching every opportunity in the market to make some profit. These depositors, finding Exchequer bills falling in value, and coming down nearly to par, buy them as the most profitable speculation; but they pay the Bank not in gold, but by a check on itself, in consideration of the whole or some part of their own deposits with the Bank. Thus the deposits have greatly diminished, without increasing the Bank's hoard of gold. All these difficulties would be lessened by a silver standard.

It is no theory of mine, that the Bank is in an unsafe position. What is the language even of its own officers? At the meeting of the Bank proprietors, in March of the present year, the Governor said—

> There was no doubt that the efforts which the Bank of England had been making during the last twelve months to prevent the drain of gold, by contracting its circulation, had been counteracted by the course pursued by other banks of issue. During the period to which he had referred, the circulation of those banks had increased in the same proportion as that of the Bank of England had decreased. If this state of things should continue—if something should not be done to remedy the evil—it certainly would throw a heavy responsibility upon the Bank of England, and render it almost impossible for them to go on under the existing regulations.

No wonder that the Bank is in a state of alarm. What is the amount of bullion in its coffers at this moment? Their returns say 6,000,000*l.*; others, apparently on good grounds, assert that it is nearer 5,000,000*l.*; when, according to their own principles, it ought to be 10,000,000*l.*; and hon. Gentlemen talk of the security of immediate convertibility under the present system! Why, the depositors at the Bank alone could cause it to stop payment in three days. Let us compare the present amount of its bullion with a period even when there was no practical necessity for its having a store of it at all. The amount, according to the statement rendered by the Directors to the Bank Charter Committee, stood in several of those years as follows:—

Average amount of Coin and Bullion held by the Bank of England in the years

1798	£6,187,520
1799	7,282,340
1800	5,647,350
1801	4,487,690
1802	4,022,365
1803	3,684,625
1804	4,625,665
1805	6,754,150
1806	6,101,105
1807	6,313,595
1808	6,935,705
1809	4,070,590
	12)66,112,700
	5,509,391 $\frac{8}{12}$ths.

What a dangerous state of things! not only for the Bank, but the country—a few days may produce all the evils of the panic of 1825. The mischief, I repeat, of the present system, is, that it affords too great facilities for ill-disposed and mercenary individuals running to the Bank for gold; it does not in the least secure ultimate convertibility, better than another system; it affords facility for the mischief, and no better security for the good. Now, silver, although equally as good a security for convertibility, would be an obstacle either to sudden or frequent runs upon the Bank, and thus prices and commerce would fluctuate less. I do not deny that part of my object is, that a larger Bank circulation could safely exist on a silver, than on a gold standard; for higher, as well as less fluctuating prices, are my object. But one mode of inducing the Bank to issue more notes, would be a security against these runs upon them. It is related by the Chevalier de Johnstone, in his History of the Rebellion of 1745, that in consequence of a rumour of the Pretender marching straight up to London, there was a run upon the Bank, which was staved off by their paying in sixpences. Before the sixpences were half gone, the Pretender was gone, too; and nobody thought of coming upon the Bank any more for coin. If they had been compelled to pay rapidly in gold, instead of slowly in sixpences, there would have been a panic; and the danger to the country from the Rebellion would have been tenfold.

Again, during the three days of July, the Revolution of Paris in 1830—there was a great run on the Bank of France, it was staved off by paying in crown pieces; if payment could have been demanded in gold, the store would have been gone in one-fourth of the time. And all are agreed, that if the public are determined to press for payment in coin, and continue to press for it, no effort of any Bank or Government can resist it. Only conceive all the paper out circulating in this country—Bank of England notes, country bank notes, bills of exchange, checks, and all other species of paper, amounting at least to 200,000,000*l.*, all demanding payment in gold; besides the national debt of 800,000,000*l.*, which is all by law convertible into gold;—only let us conceive even a hundredth part of this demanded in gold, on any sudden emergency! The Bank of England has 6,000,000*l.* of gold to answer this demand. The property of the parties issuing the paper might be all-sufficient, if time were given, but in gold, each party, if all had an equal share, would get about three-pence in the pound of it. And yet, for a system like this, we sacrifice the best interests of the country. I remember the great objection of the right hon. Baronet, the Member for Tamworth, (Sir R. Peel,) to the legal tender clause in the last Bank Charter Act was, that it stood in the way of immediate convertibility.

I have before shown how immediate convertibility of all the paper circulating, is, by the confession of all parties possessing any knowledge on the subject, wholly impossible, if all are resolved on pressing for it. It is for this reason that I venture to differ in principle from the right hon. Baronet. I maintain that having ultimate convertibility always in view, that is the best medium of exchange, or standard, which throws obstacles in the way of any sudden caprice for a run upon the Bank. Under these circumstances, I think it highly expedient that the public should be accustomed, in ordinary times, to deeming paper, of a certain description, secure of convertibility; because, when an extreme crisis arrives, instead of looking for gold, which cannot be had, they will be satisfied with this paper, which is morally certain of convertibility, and so the panic will be staid in its progress. Silver would facilitate the operation of this principle—it would prevent many a crisis arriving, and would impede it in its progress when it did arrive. The United States have just fitted the price of their gold to that of their silver standard, at a sacrifice, I believe, of six or seven per cent. without a murmur upon the subject. It is upon no abstract principle, I ask, therefore, for this Committee, as Lord Liverpool asked for and obtained the gold standard in 1816, without any one desiring it; but it is with a view to alleviate the misery which now exists, and has existed so long. My firm conviction is, that we shall see no material rise at present in the price of agricultural produce, without some modification of the present standard of value, which alone has caused the great fall in all prices. We neither can, nor is it safe, to go on as we are. It is our duty to tell the farmers whether we have the means of relieving them or not; and if, after having exercised our best judgments upon the question, we find that there are no means whatever of producing effectual relief, then excited hopes would no longer be disappointed. But if, on the contrary, we find that there is a mode of relieving the distress, it is not for us, but for the people themselves, to judge whether they will have it adopted. The refusal of a Committee will only look like a fear to have the subject investigated.

Sir, there is no safety in standing still; the whole of the home trade is affected by the ruined state of the agricultural interest, which is the foundation of the whole. My opinion is, that the numbers connected directly and indirectly with the agricultural interest is very much underrated, in order to give undue importance to the export trade. I contended last year that 20,000,000 out of 25,000,000 of the people of these islands are directly interested in the well-being of agriculture, and in its relief from its present depressed state, in consequence of the fall in prices. I did it on these grounds, taken from the Population Returns of England, Scotland, and Wales:—

Agricultural occupiers	1,500,000
Agricultural labourers	4,800,000
Mining interest	600,000
	6,900,000
Manufactures	2,400,000
Millers, bakers, and butchers	900,000
Artificers, builders, &c.	650,000
Tailors, shoemakers, and hatters ..	1,080,000
Shopkeepers	2,100,000
Clerical, legal, and medical	450,000
Disabled paupers	110,000
Proprietors, annuitants	1,116,398
	6,406,398

Now, taking the manufacturers at 2,400,000 in round numbers, as one-third of the 6,900,000 agriculturists and miners, I apportion the 6,406,398 individuals last mentioned as interested in, or employed, two-thirds by the agriculturists, and one-third by manufacturers. This will add 4,077,000 to the agriculturists, and 2,316,000 to the manufacturers; making 10,977,000 agriculturists, and 4,716,000 manufacturers. But of this number of manufacturers, half, at least, are employed (it is generally said four-fifths) by the agricultural body and its dependencies; this will deduct 2,358,000 from the aggregate manufacturing interest, and leave only 2,358,000 as the purely, or rather export, manufacturing body, whilst it makes the agricultural body and its dependencies amount to 13,335,000. But, here, Ireland is left out of the question, which may be called a strictly agricultural country—Ireland, whose very existence almost depends upon supplying us with corn. Add 8,000,000, the population of Ireland, to the above 13,335,000, you have a total of 21,335,000 as the real agricultural interest of Great Britain and Ireland, compared with not more than 3,000,000, at the outside, of the export trade, And the whole of this body of 21,000,000 is interested in a remunerating price for agricultural produce; and yet we hear nothing but "monopoly," when anything is said of protection to agriculture. If it be a monopoly, the monopolists are 21,000,000 out of 24,000,000; and it will be difficult for the minority to persuade them out of the monopoly. The 3,000,000, whom I have stated to be the strictly export manufacturing body, have undoubtedly an interest in exchanging their produce for foreign corn, and they have an interest separate from the great body of the community, which consists of upwards of 20,000,000, and whose interests are strictly identified, as they supply each other with the necessaries, comforts, and luxuries of life. Of this great body, British agriculture is the basis; and thus is the whole bound up with remunerating prices to our agricultural produce; and yet the hon. Member for Middlesex asserts that this is essentially a manufacturing country,—by which he means that everything is to be conceded to the export trade. I, on the contrary, on grounds which I think indisputable, contend that its essential basis is agriculture, and that the encouragement of agriculture should be our first consideration, being the source of employment, as it is, to 20,000,000 of our population.

These are the numbers that are affected by our present ruinous policy; and can it be safe to stand thus doggedly out against them and their prosperity. In my heart, I believe that the present unsettled temper of the minds of the middle and working classes, springs from nothing so much as from their poverty and distress. To them, the institutions of their country are worth nothing, but as they produce comfort and competence; when they fail to obtain these, they become—and reasonably become—dissatisfied with their institutions—first with those that really require reform, next with those that cannot be improved. But we have been governed by men who have only export theories, or who consult only those interested either in the export trade, or for increasing, more and more, the value of money. I have before shewn, that the export trade is no test, and that it has been proved, on three separate occasions, to be no test of the prosperity of the home-trade, and especially of the agricultural interest. I implore the country Gentlemen, in this House, to protest against the export trade being made the test of their well-doing; at least, if they do not wish to see the transfer of their estates into the hands of the monied interest finally consummated.

Such, then, is the condition of the majority in this country. The farmer bankrupt; the landlords in the way to be expatriated; many of them gone; the labourer thrown out of employment; the shopkeepers without custom. These parties cry aloud for relief; but if they ask for it in the only mode in which it can come to them, they are taunted with a breach of public faith. Sir, they seek only public justice. They have been cruelly dealt with; publicly robbed; their estates and their labour confiscated. They appear at the Bar of this House; at the Bar of a reformed House of Commons, to have that justice conceded to them: they ask not for full redress, but for some palliation merely of their misery. And I trust they ask not to represent the House affecting not merely in vain from opinions, but a House purporting to be resolute in its determination to remove the grievances of its constituents,—grievances now of twenty years' standing,—grievances which have no parallel to them in a free country, in the annals of history,—grievances which, in point of cruelty and oppression, throw those of Nero and Caligula altogether into the shade. These parties now demand redress at your hands: you may refuse it; but let us not delude ourselve with the idea that they will cease in their efforts to obtain it. Never till lately have they been aroused to the conviction of what the real cause of their misery was; the opinions which they held before of the cause were founded in error. As the errors were successively discovered, they ceased to press for relief in those ways. Already have the farmers of Cambridgeshire, Kent, Suffolk, Sussex, Warwickshire, Leicestershire, Yorkshire, and others, declared their conviction that the change in the currency is at the bottom of their distress; and, in proportion as they are right, will they gather strength to back their opinion, until he will be not merely a bold Minister, not merely a powerful one, but in the last degree short-sighted and insane, who shall persist in saying nay to their just demands. You may tell me you cannot relieve the distress: I contend that you can; and I ask to have the truth of my assertion disproved before a Select Committee. If you can relieve, and won't, it is fit the country should know it; if you cannot relieve, as I said before, you will not only free the distressed from suspense, but prove that you have done your utmost for them. But it is in our power to relieve the distress. Mr. Pitt was anticipating some great reductions in the returns of industry, when he said—

> At such a crisis, Parliament, if it be not then sitting, ought to be called together; and if it cannot relieve you, its powers are at an end. Tell me not (continued Mr. Pitt) that Parliament cannot protect—it is omnipotent to protect.

Sir, in seeking this mode of relief for the agricultural interest, I seek it at the expense of none of the other productive interests; on the contrary, they would all receive a stimulus and encouragement. If I look back to the year 1821–2, I find manufactures, and commerce, and labour generally languishing under the depression of agriculture. I find all of them springing up invigorated and refreshed by the increased currency of 1823–4–5. All was then prosperity; there was no dissentient voice. I propose to produce the same results by different means,—means that shall secure us from the fatal effects of the panic of 1825. That panic was foreseen by all who understood the subject of currency, and was the consequence only of ignorant legislation. I know I shall be taunted with the "breach of national faith." Sir, I seek no breach of national faith; faith has been broken with the public, and I seek to palliate the effects of that injustice. It will be said, the fixed annuitant will suffer from a rise of prices. From the rise of prices which I am aiming at, he will have no reason to complain. Wholesale prices have fallen one-half; it is those which I wish to raise, for these employ labour, and wages would rise in proportion to the fulness of employment; on the contrary, retail prices have only fallen one-fourth, so that the rise in articles of consumption would not be near in proportion to that in articles of production; and it is the good of producers generally which I am seeking. In this way, the fixed annuitant will suffer far less than the producer will gain; for his income is spent on retail articles. Besides, whatever change takes place in prices, only affects the income of his fixed annuity.

Now, under any of the changes which I am about to state, the annuitant would have had no reasonable ground of complaint. Parliament passed a corn-law in 1815, making 80*s*. the standard price for wheat: it is true it neglected to secure this price to the agriculturist, or rather took effectual means to prevent it, by the change in the currency; but if Parliament had substantially secured 80*s*. for the quarter of wheat, whether by a change of currency, or by any other means, the annuitant would have had no just cause for complaint; for the prices before 1815 were higher than 80*s*., so that he first received his annuity under the expectation of prices equivalent to at least 80*s*. for wheat. Again in 1822, the parliamentary basis of the wheat price was made 70*s*. per quarter. Any Act of Parliament that had really and effectually secured that price to the farmer, would have committed no injury on the annuitant, because he had no reason to expect a less price. Then, in 1828, 64*s*. was made the parliamentary basis of the wheat price: for three or four years subsequent to that period, deficient harvests created a price equal to 64*s*., and it is only the last two or three years that the annuitant has began to expect a lower rate of prices than 64*s*. for wheat. Any change, therefore, now, which affected that price, would commit no real injury upon any party; while to the whole body of producers it would be an incalculable good, and would prevent the sweeping away from their homesteads full half the farmers of the country, who are now living on them merely by sufferance.

In conclusion, the mere monied interest although so sanguine in its gain from the continuance of the present system, would not lose, because the rate of interest, driven down by the absence of profit in all productive investments, to 2½ and 3 per cent would, by the change proposed, rise to 4½ and 5 per cent. the moment there was a prospect of profit in agriculture and the home trade. I have proposed the experiment of a silver standard in the hope of its producing these beneficial effects. Some change is absolutely necessary, for the country cannot go on as it is; nor ought we to allow it; for I contend with Mr. Burke, "that the foremost consideration of a Government is the property of the citizen;—the first creditor of the State is the plough." Sir, I beg to thank the House for its kind and patient attention, and to move,—"That a Select Committee be appointed to inquire if there be not effectual means within the reach of Parliament to afford substantial relief to the agriculture of the United Kingdom, and especially to recommend to its attention the subject of a silver, or a conjoined standard of silver and gold."

Mr. *Wodehouse* rose to support it, and expressed his conviction that all other remedies than those which it proposed would prove utterly ineffectual, although he knew that it would be objected that that argument came too late. The present Question involved the whole question of the pressure of taxation, and it was his opinion, that it was not only idle to expect that remonstrances on this subject should cease, but also that they should be from time to time repeated with increasing importunity. He had been one of the Committee which sat in 1822 upon this subject, and he had been one of a small minority who were opposed to the adoption of their Report, on the ground put forward by Mr. Huskisson, that it did not sufficiently take into consideration the altered value of money. He had been impressed with the necessity of that point being duly considered from reading the opinions which had been advanced by Mr. Huskisson several months before, and especially in his celebrated treatise of 1810 upon the Bullion question. It had been the policy of that House hitherto, unfortunately, to reject every measure in the shape of relief to the country upon that point—as when, upon the occasion of the withdrawal of the country bank notes, the proposition had been made that the Bank of England small notes might be allowed to circulate. When the question for the House to consider was, whether it would appoint a Committee with the view of altering the present standard of value in this country, he could not help referring to the opinions pronounced upon the Question of the Currency by those who were considered perfectly conversant with the subject. He referred to the evidence of Mr. Horsley Palmer and Mr. Baring, now Lord Ashburton; the former of whom stated, when a proposition was made for (as we understood) the withdrawal of small notes in Scotland, that if we could be sure of procuring and maintaining, under all circumstances, a sufficiency of gold for the whole empire, he should have no hesitation in saying that a circulating medium of gold ought to be generally adopted; but he was bound honestly to confess, notwithstanding the new lights which had been attempted to be thrown on the subject, that he had strong doubts upon the question; and it was for that reason that he thought, in his poor judgment, it was better to leave the Scotch currency undisturbed. This was the opinion of a Gentleman whose testimony on this point should have great weight with the House, for he had been the confidential adviser of the Bank of England for a long series of years. It was in consequence of the high opinion which he (Mr. Wodehouse) entertained of the advantage which would result from making the opinions of Mr. Horsley Palmer generally known, that he had pressed the right hon. Gentleman, the Chancellor of the Exchequer, to have his evidence published and distributed. The sentiments which Mr. Baring then expressed strongly confirmed the opinions of Mr. Palmer; for he contended that situated as this country was, with its enormous debt, with an artificial price of corn, and having most of its large mercantile transactions carried on through the medium of a paper currency, it should be the last to send representatives to that House to divide on questions more suited to philosophers than practical men—namely, the expediency of adopting a metallic standard; and that it would be a much wiser course to rest content with that species of currency which was then established, and which seemed to be essential under the peculiar circumstances of the country. He was perfectly conscious that he was incapable of making any but a feeble attempt to impress upon the House the views which he entertained on this question in seconding the motion of his hon. Friend; but he could not hesitate to do all in his power to accomplish the object which they had both at heart, convinced as he was that the present state of the currency had already done incalculable mischief, particularly to those connected with agriculture, and still threatened to overwhelm them with immeasurable ruin. He had, therefore, cheerfully come forward to second the proposition of his hon. Friend, under the firm persuasion that it would, if assented to, be the means of arresting those evils under which those connected with agriculture had so long suffered.

Mr. *Poulett Thomson* said, that before he made the few observations which he intended to address to the House, he was desirous that the Resolution which had been come to by the House upon this subject, in the year 1833, should be read.

The Clerk at the Table accordingly read the following Resolution:—

"That it is the opinion of this House, that any alteration of the monetary system of the country which would have the effect of lowering the standard of value, would be highly inexpedient."

Mr. *Poulett Thomson* resumed:—He had thought it right to recall this Resolution to the memory of the House, as there were many Gentlemen present who might not have been Members during the last Parliament, and therefore, perhaps, might be unacquainted with it. That Resolution was adopted by the House after three nights' debate, and after a solemn and important discussion. He had more particularly called the attention of the House to it, because, although it had been difficult for him, though he had listened to the speech of the hon. Member with the utmost attention, to make out definitively what the hon. Member's object was, supposing the House granted the Committee he proposed, still it had seemed to him, if he was aiming at anything, that the hon. Member must be aiming at a change in the monetary system, or the standard of value of the country. He must be permitted to say, that it had always appeared to him, and he believed it had always been the opinion of this House, that when any Gentleman made a Motion for a Committee of Inquiry, he was bound to show the object he had in view, and what plan he would wish to see adopted by the Committee; but he must say, that he was nearly as much in the dark now as to what the hon. Member's object really was, as he was at the beginning of his speech; and he believed there was no hon. Member who did not find himself in nearly the same situation. There might be many Gentlemen indeed, within the House, who had vague notions, that some change was to take place, either in the paper currency, or in the standard of value in this country; they might think they could distinguish the object to be obtained by the Committee; but he did not believe, from anything which had fallen from his hon. Friend, they could tell whether it formed part of his intention or not—and yet it was not possible to suppose, except he had had some such an object in view, as a change in the standard leading to depreciation that he could hope to obtain any benefit from his inquiry. What was the Motion of his hon. Friend? He proposed a Committee to inquire into agricultural distress, and especially to turn their attention to the propriety of adopting a silver standard, or a silver conjointly with a gold standard. His hon. Friend had devoted by far the greater part of his speech not only to a statement of the agricultural distress which existed at present, but to the history of that which had unfortunately prevailed in past times. No one felt for or sympathized with that distress more than himself, and those with whom he had the honour to act, and he was sure there would be no objection on the part of his Majesty's Government to accede to the Motion for a Committee, provided its labours were to be limited to an inquiry into that distress, and they could hope that any benefit would arise therefrom. But what was the language repeatedly held in the House, and even so lately as within the past week, with reference to an inquiry into this subject? In the year 1833, a solemn inquiry took place into the state of agriculture—the Committee was well attended—the inquiry was conducted with the greatest possible care—and a Report was drawn up and agreed to by them; and what was the opinion of that Committee? Why, they reported, that more relief was to be expected from the forbearance of Parliament, than from any active measure of interference. ["*Hear, hear.*"] The Gentleman who cheered, might differ from him—but that Committee was composed of Members most deeply interested in the agricultural interests of this country—of those who might justly be considered to be its best friends—and after a solemn and deliberate inquiry, they themselves came to the Resolution he had mentioned to the House. He was not quoting any opinion of his own, he was quoting the opinion of the Committee, which was solemnly registered in the Records of the House. Another Committee had been subsequently appointed on this subject—one which was not less well-attended—whose inquiries were not less carefully conducted. The right hon. Baronet, the Member for Tamworth, was some time Chairman of it, as well as his noble Friend, the Secretary of State for the Home Department; and after having considered if any practical relief could be afforded, they only came to the determination which was read in the House the other night, relating to county rates, and the Government was prepared with a measure for the purpose of carrying that recommendation into effect. These things considered, then, he asked any friend to the landed interests—any Gentleman representing the agricultural interests in that House—whether he would think it desirable to have a Committee for the purpose of inquiring into the agricultural distress, which at present unhappily existed, provided the Committee were to be limited to that object, and to that alone. He apprehended that all would say, they did not. Having disposed thus, as he thought, of that portion of the Motion of his hon. Friend, he would come to that which was now adjunct to it—namely, that the Committee should have power to inquire into the propriety of adopting a silver standard, or a standard conjointly of gold and silver. He would presume the discussion to be confined to this point—and he must say, that he had been in hopes the advice so properly urged by the right hon. Baronet, the Member for Tamworth, on a preceding night, would have been listened to; he was in hopes that the House would have been told by the hon. Gentleman, definitively, what it was he wanted; that he would not have connected this Motion with agricultural distress merely for the purpose of rendering it palatable to the tastes of some hon. Gentlemen, and so catch a few more votes by it, and that if he did really intend to propose a depreciation of the standard, that he would have come prepared to state plainly and manfully what that was to be. He was in hopes that the hon. Member would have enabled the House to understand whether such were his purpose, if it was, whether he had coupled it with the subject of agricultural distress (which the whole tenor of his speech seemed to imply) for the purpose of making that distress a ground for the depreciation, the hon. Member's desire being to disturb that Resolution to which the late Parliament came, and plunge the House into either an inquiry respecting a depreciation of the standard, or an issue of paper to an extent, of which his Motion furnished no clue as a panacea for all that suffering. But the hon. Gentleman had done nothing of this kind—he had only entered into a long argument to show that the silver standard was preferable to the gold standard; and the hon. Gentleman had done him the honour to quote his opinions upon that point, delivered in 1833. He adhered to the opinion he then expressed, and he should take now precisely the same course he took then. If they were called upon to discuss the question of the respective merits of a gold and a silver standard, and if they had now to fix either upon one or the other, he should be inclined to prefer silver. That was his opinion then, and was his opinion still; but, if the hon. Gentleman thought that that circumstance would make the slightest difference in the vote he should give, which would be the same as that he then gave, he was mistaken most completely. The question of the respective merits of gold or silver, as the standard of value, was one thing, and the views and objects of the hon. Gentleman in proposing a change, were quite another. The first was a question (as Mr. Baring stated in his evidence before the Committee of the Privy Council, quoted by his hon. Friend, the Member for Norfolk), of almost philosophical nicety. It did not, except in a very slight degree, include the Question of depreciation. If either metal were exposed to the chance of depreciation, or the reverse, he should say, that that would be a good reason for excluding it as a standard; because the greatest desideratum in fixing that by which all other things were to be measured, was the least possible fluctuation in its real value. The superiority of one of these metals over the other, as a standard, was in his opinion, to be decided solely with reference to that consideration, and to another—namely, the greater or less facility afforded to the Bank, in case of a drain of specie, for meeting that demand. The first of these properties—the greater fixity of the real value of the metal—depended upon the production of the mines, upon which there was but very meagre information; and, certainly—measuring the fluctuations by the relative value of one metal to the other, during many years past—one being, as regarded this country, a mere article of commerce—he could not say, that he saw much reason to believe that the real value of either had much varied, and on this ground he did not see much reason for giving silver the preference to gold. On the second point, he certainly saw some advantage from using silver, and that, as well as the consideration, that gold is more frequently wanted on a sudden for military chests, in the event of any European hostilities, led him rather to give the preference to silver as a measure of value, and would incline him, if the whole system were now to begin, to adopt it instead of gold. But these were nice and subtle distinctions, and there was no reason to consider them, for we had fixed gold as our standard; and to attempt to change it, would bring consequences with it, far outweighing any trifling and distant advantages attending the greater security of the other metal. They were points, too, which had nothing in common with the great and important object which the hon. Gentleman asserted he had in view—namely to afford a panacea for the distress of the landed interest. It was impossible, indeed, to suppose that the hon. Member proposed a change from one standard to another simply, on either of the grounds which were discussed before the Committee to which he had alluded; but the hon. Gentleman's view appeared to be clearly to obtain some advantage by a change—he had told the House so, for he had stated, "it is impossible that the present price of wheat can go on, and, therefore, I bring forward my Motion;" so that, it appeared, he aimed at a depreciation by the change he proposed to effect, and through that step to agricultural relief. But what, in that case, did the hon. Member mean to do? Why had he not told the House whether he meant to take silver at 60*s*. or at 62*s*.?—the only standard to which the hon. Member referred; or whether he meant to go to the present rate at which silver was coined, and at which it was not a legal tender, namely,—66*s*.? He concluded that if the hon. Gentleman wished to effect his own purpose, that was the standard to which he must resort; but then they came again to the old question of depreciation, and the hon. Member must be prepared to shew this House (which he had yet failed to do), that the agricultural interests would be benefited by such a change, and that he would not be producing a general mass of confusion from one end of the country to the other, and adopting a course by which the creditor would be defrauded, and the debtor a gainer in the same proportion. He should like to know on what principle the hon. Member would advocate a standard of 66*s*.,—it certainly would benefit the debtor about 10 per cent.; but upon what possible principle of justice could it be done? The hon. Member for Oldham, who had given notice that he intended to propose an equitable adjustment, would step in and say, "Before you pretend to take that as an arbitrary measure of depreciation, let me bring my plan of equitable adjustment before you. Let me show what would be a just and fair depreciation, and one which would act equally, in every way, upon all classes." Now, if the hon. Gentleman said, that a standard of 66*s*. was not his proposition, and that he means to take the old standard of 62*s*. which would produce a difference of only about 3½ per cent., was that, he asked, a consideration for which he would derange all contracts that had been entered into, and all the calculations on which property had been settled, since the year 1819? And what benefit did those Gentlemen who advocate this proposition, on the ground of benefiting the agricultural interests, expect to derive from it? If they expect that it would raise the price of wheat, let him tell them that a sun-shiney or a rainy day would make more difference than any proposition connected with a silver standard could possibly effect. ["*No, no!*"] The hon. Gentleman behind him said, "No, no!" but what, he asked, was the argument urged with regard to the price of oats and of barley? Why, they had been told to-night, that the high price of those articles was caused by the scanty supply; and why was one argument to apply to oats and barley, and another to wheat? If they were told that the price of oats and barley was high because there was a deficient quantity, might we not, in our turn, say that if the price of wheat was low, it was because there was a redundancy. Why, was it not notorious that the price of corn had acted as a barrier against any importations for the last three years? Was it not notorious that the price, then, must depend upon the quantity grown in the country? He was correct, therefore, in stating, that one sun-shiney or rainy day, or anything which would tend to affect the quantity of wheat produced, would have more effect than any change of 2½ or 3½ per cent, which the hon. Gentleman's plan proposed to make. But, how did the hon. Gentleman propose to benefit the farmers by his plan? Did he suppose, that if he could succeed in nominally raising the price of wheat, for they could do nothing more than nominally raise it, he would not nominally raise the price of other commodities also, and that the price of wheat would not bear the same proportion to the price of all other commodities which it did now?—if so, the hon. Gentleman would find himself mistaken; for the quantity of wheat which purchased a certain quantity of commodities would only purchase an equal quantity under any change which he could effect by altering the currency. If the farmer got 41*s*. instead of 40*s*. for his wheat, in consequence of a change in the standard, he would not be able to command any more labour, any more clothing, or any more food than at present. If he was under lease, it was true he might be benefited for the remainder of his term, but then it would cease. He was free to admit, that the Bill of 1819 pressed very hard upon the debtor; but, at the same time, he was satisfied that the Parliament would not have consented to any other measure than a return to cash payments at the old standard, for when a proposition was only talked of to lower the standard down to 4*l*. 10*s*. or 5*l*., the proposition was scouted out of the House. Whatever mischief was done, was done in 1819; though he denied that any injustice was done; because it was always the declared intention of the Legislature to return to cash payments. He admitted, that there was some hardship inflicted at the time; but because they then inflicted a hardship, were they to turn round and inflict a tenfold hardship, not for the purpose of restoring to those who suffered at the time, that which they were deprived of, but to inflict a new injury upon entirely new parties, and to give a new benefit to parties who then received no injury? He regretted, that this Question was not brought forward boldly on the only grounds on which it could stand—namely, a measure for the relief of debtors; if so, he should have been prepared to meet it, as an act of the grossest injustice and impolicy; but it was mixed up with a question, with which, in his opinion, it had no connexion whatever, he meant the distress of the agriculturists, with a view, he was sorry to say, of exciting a feeling in favour of the measure, in the minds of those who, if they would take the trouble to look into the subject and carry it out in all its bearings, would not be otherwise inclined to support it. But the hon. Member had quoted the language of Mr. Pitt, when he said, that Parliament was omnipotent. But Parliament was not omnipotent in the price of wheat; it could not determine what the price of wheat should be. He did not wish to go beyond the immediate point under discussion—he had not attempted to say one word about the Corn-laws,—they did not come into this question,—but it was in vain for the hon. Member for Yorkshire to appeal to Parliament as omnipotent and bound to raise the price of wheat—he must appeal to a different and to a higher power than any Parliament, and not rely upon any change which could be effected in the monetary system of this country. He begged, now, to call the attention of the House to the inevitable consequence of acceding to the proposition of the hon. Member. Let them imagine the Committee named upon his suggestion, and the hopes which would be raised in the minds of the whole body of agriculturists in this country; into what a delusion would they be led, if they were induced to believe that this Committee, by a change in the standard, could afford them the necessary relief. What would be the effect in the Money-Market to-morrow, should it be understood that the question was to be agitated in Parliament, whether the standard of value were to be changed or not, and whether the depreciation should be 3½ or 10 per cent., or whether there should be any depreciation at all. The probable result of the appointment of such a Committee would be, that for six weeks or two months everything would be in such a state of uncertainty, that a creditor having 100*l.* owing to him, when he went to bed at night, would not know whether he was to rise with only 90*l.* owing to him to-morrow. That, then, was, of all others, the last subject which ought to be referred to the consideration of a Committee. If it were deemed advisable to adopt a silver standard, let the advocates of that measure bring down a plan to the House;—let them state whether they proposed a standard of 60*s.* or of 66*s.*, and let the subject be discussed within these walls; and if the Resolution were carried, let the news of the decision of the House be conveyed, as fast as the post could carry it, over the country. If the House were willing (which God forbid!) to rescind the Resolution of 1833, and should think it proper to alter the standard of value, let the matter be decided at once, and let not the country be kept in suspense from week to week during the deliberations of the Committee. The hon. Gentleman had alluded to the Money Market, and he asked what must be its state when, on such a day, Exchequer Bills were at par; but was not this an argument to deter the House from tampering with the monetary system? And was it not a proof that we ought not too hastily to adopt the plan of submitting a measure of this importance to a Committee of the House? He contended, and he hoped a large majority of the House would affirm the proposition—that nothing could be so dangerous as, on the one hand, to hold out fallacious hopes of relief which could not be realized—or, on the other, to introduce into the complicated pecuniary concerns of this country an element of insecurity, which must pervade the whole of our monetary system—(a system which entered into every transaction)—and which would tend to the almost immediate ruin of many of the most important classes of the community.

Mr. *Clay* was convinced, that a large majority of the Members had been much surprised, and that a large majority of persons out of doors would be much more surprised at the explanations with which the hon. Member for Yorkshire had accompanied his Motion. He (Mr. Clay) had supposed, when the notice of the Motion was given, that it related to some particular protection to be given to agriculture; and he was greatly surprised, therefore, to find that the proposition was to make an alteration in the currency, which, if productive of good at all, might be productive of it to the whole community; but he was utterly at a loss to conceive how it could be exclusively productive of good to agriculture. He would not follow the hon. Member into his details respecting agricultural distress; but would confine himself to the question, how the mode proposed would tend to the alleviation of that distress; and even on that point he had been anticipated by the admirable speech of the right hon. President of the Board of Trade. There were one or two small matters left, however, to which he would advert. He must say, that after listening most attentively to the speech of the hon. Member for Yorkshire, he had been unable to discover the precise nature of its bearing, or how the measure proposed could have a beneficial effect on agriculture. If the hon. Member proposed merely to return to the old English silver standard, and to coin the pound of standard silver into 60*s.*, the change would not exceed a-half per cent, or about 4*d.* in the sovereign. He was quite ready to admit, that he should prefer a standard of silver to a standard of gold; and that he thought an error had been committed in 1816, in not establishing a silver standard. If, therefore, the hon. Member confined his proposition to such a measure, without committing any breach of national faith by departing from the ancient English silver standard, he would agree with the hon. Member, but it was evident that the hon. Gentleman intended much more than that. As he had before said, a return to the ancient silver standard would not produce a change of more than $1\frac{1}{2}$ per cent. By the most accurate calculation ever made of the relative value of our gold and silver coinage prior to 1816, it was ascertained that the proportion of fine gold to fine silver in our coins, was as $1=15\frac{2096}{1000}$; in other words, that a given weight of gold was considered equal to $15\frac{2}{10}$ its weight of silver. By the calculation of the French Mint it is $15\frac{5}{10}$, the difference between the two calculations being $\frac{3}{10}$; and it being generally understood, that the French calculation was nearer to the relative value of the metals than any other, it might be assumed that the proportion of $15\frac{1}{2}$ to 1 was the average of the market-price. This would give a difference between the gold standard and the old silver standard of about 3 per cent, a necessary deduction from which, for the expense of coinage, or for seignorage, would reduce this 3 per cent to $1\frac{1}{2}$ per cent, or about 4*d.* in the sovereign. Again, the present value of standard silver in the English market was $\frac{1}{4}$ under 5*s.* per ounce. With 19*s.* 11*d.* therefore, four ounces of silver might be bought, which would, under the old Mint regulations, have been coined into 20*s.* 8*d.*: there would be, therefore, an apparent difference of 9*d.* in the sovereign between our gold and silver standard—but a deduction of $1\frac{1}{2}$ per cent, or about 4*d.* in the sovereign being made (and it would be absurd that it should not be made for seignorage:)—by another process the same result was reached—namely, that a return to the old silver standard would not occasion a greater difference in the price of commodities than about 4*d.*, or at most 5*d.* in the sovereign. This advantage of 4*d.* or $4\frac{1}{2}$*d.* in the sovereign, which a return to the old silver standard would produce, was the utmost then, that could be attained by the change; and it was impossible to suppose that the hon. Gentleman meant no more than to return to the ancient standard, but he must mean either to resort to the plan of 66*s.* to the pound, or to some other standard, It must be borne in mind, that in 1816. 66*s.* was not taken as the standard by the Committee, for coin of that measure of value was considered only in the light of tokens. But if the hon. Member proposed by a larger amount of circulation than there was at present, to raise the price of corn, the hon. Member ought to show, that there was that connexion between the currency and the price of grain, on which alone, for the purposes of this Motion, any plan of that description ought to be based. An hon. Gentleman opposite, the Member for Wiltshire, charged him on a former evening, with being the only person in the country who did not know why it was that the prices of barley and oats were not equally affected with that of wheat; and the hon. Gentleman informed the House, that the price of barley and oats were kept up solely by deficient harvests; but the fact is, that almost every other article, and not barley and oats only had risen in price. Cotton, for example, had risen since the last year from 7*d.* to 9½*d.* per lb.—a rise of 30 per cent. Now, this rise could not have taken place in consequence of any diminution of the quantity, because the quantity also had increased from 268,000,000 of lbs., the quantity imported in 1833, to 308,000,000 lbs., imported in 1834. Moreover, during the last five or six years, the price of wheat had, as if purposely to confound the theory of the hon. Gentleman, made it a point not to agree with the fluctuations of the currency. In 1829, the amount of the Bank currrency was 19,700,000*l.*; and the price of wheat was 66*s.* 3*d.* In 1830, the Bank currency had increased one-sixth per cent, or to 20,000,000*l.*, but the price of wheat had fallen to 64*s.* 3*d.* In 1831, the currency had decreased again to 19,000,000*l.*; but the price of wheat had risen again to 66*s.* 4*d.* In 1832, the currency certainly had decreased to 18,500,000*l.*; and the price of wheat was 58*s.* 8*d.*; but in 1833, the Bank circulation increased again to 19,000,000*l.*; while wheat fell to 52*s.* 11*d.* In 1834, the Bank circulation was 18,800,000*l.*; but the price of wheat had fallen to 46*s.* 2*d.*; the currency of the country banks also, having, in 1834, increased 500,000*l.* The facts, therefore, were opposed to the position of the hon. Gentleman. The price of almost everything but wheat had risen, up to the present day; and the currency did not increase, but decreased concurrently with the rise in the price of wheat, when the price of that article rose. In connexion with this subject he might allude to a memorial that was presented to Earl Grey in the year 1831 from the ironmasters of Staffordshire, setting forth the then depressed state of that trade. They represented that pig iron had fallen from 8*l.* to 3*l.*, and bar iron from 15*l.* to 5*l.*; that the trade had practised every species of economy; but that still their profits were falling-off, and that it was the opinion of the memorialists, that all their distresses and difficulties arose from the attempt that was made to render the engagements and obligations of the country convertible by law according to a standard value of 3*l.* 18*s.* for gold. It was prophesied at that time by the memorialists, and many others, that the prices of iron could never again rise. Yet before twelve months had elapsed, without any alteration of the currency, pig iron rose to 5*l.* 10*s.*, and bar iron to 7*l.*, and he believed that no Gentleman would deny that at present the iron trade was in a most prosperous condition. His own opinion was—and he should set up his prophecy upon the point, in opposition to any of the other prophecies that had been thrown out—that unless some alteration was made in the Corn-laws; the effect of those laws in the end would be to throw away all the wealth and prosperity of the country. The reduction in the value of the standard of currency would tend undoubtedly to increase the wages of labour and the rents of lands, perhaps 10 per cent, but it was a most mistaken notion to suppose, that it would give any stimulus to trade. Hume in his Essays, said, that the effect of a stimulus of this nature was only to produce a temporary prosperity, but no lasting benefit to a country. It might mitigate for a time the pressure of taxation, but it would not enable the Government to take off any taxes. He was fixed in the opinion, that the worst thing that could happen in any country was a breach of faith with the national creditor. Such a measure had never been resorted to even in the most barbarous nations, except under the pressure of severe necessity—a case that could never arise in this country. With respect to what the hon. Member who introduced this Motion had said as to the effects of the transactions of the Bank of England upon public credit, he should leave that to be answered by his hon. Friend, the Governor of the Bank; but he would remark, in passing the subject, that since the Bill of 1819, the average circulation of the Bank was greater in proportion to the price of wheat than it had been before. At the same time, if the hon. Member for Yorkshire were to propose a regulation of the Bank issues, he (Mr. Clay) would join with him. The hon. Member concluded by reading a passage from Locke, reprobating the injustice of causing a depreciation of the currency.

Mr. *Benett* said, that the ingenious speech which they had heard from the right hon. the President of the Board of Trade would have been of much greater value had it been delivered in the year 1816 or in 1819. Nobody thought anything then about the robbery that was committed upon the debtor, although so much was now said about robbing the creditor. The poor man was then robbed without remorse; but now the rich creditor must not be touched. He denied that the present Motion was calculated or intended to depreciate the standard of value. By going back to a silver currency no such effect could be produced. The object of the Motion was two-fold: to prevent the appreciation of the gold standard, which, in fact, was nothing but a gambling standard, for as wealth increased the demand for gold increased accordingly, and that demand might go on until every ounce of gold should be swallowed up. There was not so much gold to be had as would pay off the National Debt of England, while, on the other hand, silver was to be had in abundance. If a silver currency were established there would be no occasion for the Bank of England to keep such large stores of that metal in its coffers as it did at present of gold. The great evil of a contracted currency was, that it raised the value of fixed payments. He was not arguing for a depreciation, but against an appreciation, and therefore in favour of a silver currency. To this he felt satisfied they must come at last, for gold would become so scarce that it must be given up as a general circulating medium. As to the agricultural interests, nothing had been done for years to relieve them, and they were well entitled to this attempt in their favour; and the Motion, if for this reason alone, should have his support.

Mr. *Richards* said, that it was with extreme regret he heard the opinions expressed by the right hon. Gentleman (the President of the Board of Trade) in opposition to the present Motion. The right hon. Gentleman had expressed his sympathy for the condition of the agricultural interests; but if he felt this sympathy, why did he oppose inquiry? He expressed his sympathy, but he resisted inquiry, because, as he said, the hon. Member for Yorkshire had laid no grounds for his Motion. Who was it, he would ask, that looked at the disturbances that prevailed in the agricultural districts of the country—who was it that looked at the fires in Kent and other counties, or who witnessed the misery and distress of the agricultural labourers—that did not see that there was ample ground for the present motion? Surely this deep distress ought to be attended to by the House. When he came down to the House that evening he inquired what was the cause of such a full attendance of Members that he could scarcely get a seat, and he was told that it was the expected discussion on the Wolverhampton riots. He had great deference for the judgment and discretion of the House, and therefore could not think of doubting the propriety of everything it did. He found that the inquiry demanded as to the Wolverhampton transaction had been conceded, and was the House prepared, he would ask, to refuse an inquiry into the agricultural interests of the country, applying for some relief in *forma pauperis*? Did not the right hon. Gentleman know that the farmers were paying their rents out of their capital? The landowners had waited patiently, hoping for some legislative relief, but time and patience had done nothing for them. They must, if not relieved shortly, retire from the seats of their ancestors, to make way for Jews and jobbers. Every Committee that had been hitherto appointed to inquire into the situation of the agriculturists, arising out of the measure of 1816, had been bound hand and foot. He could not help thinking that there was something wrong in the education of Gentlemen—as connected with this subject. Why else was all their compassion wasted upon creditors, and none reserved for the poor debtors? He believed that when the present standard was adopted it was not understood. The late Mr. Ricardo, for example, who had supported the Bill of 1819, upon the supposition that the very utmost effect which the changes produced by it in the existing burdens of the country would be no more than 3½ per cent., acknowledged some time before his death to a learned friend of his (Mr. Richards), who was formerly a Member of that House, that its effects had extended to upwards of 30 per cent., and that had he foreseen such an extensive alteration he would never have lent the Measure his countenance. The real fact attendant upon the passing of that Bill was, that it was wholly prepared and drawn up by Mr. Huskisson and Mr. Ricardo, in conjunction, and it was then committed to the right hon. Baronet (Sir R. Peel), whose talents and eloquence highly qualified him to be the agent and spokesman on its behalf. He was at a loss to understand upon what principle it was denied that any fluctuations or changes were now produced by large commercial and influential bodies upon the circulating medium, when it was notorious that the Directors of the Bank of England daily afforded people the broad fact that they were constantly tampering with the currency by making at one period large issues of their paper, and at another, and closely following epoch, restricting their issues within the very narrowest bounds. Nay, was it not now said, that the recent fluctuations, agitation, and panic that had occurred in the Stock-market were caused altogether by the operations of the Bank, and was he not, therefore, justified in looking at them as the chief instigators of these changes. In support of the arguments in favour of a depreciation of the currency it might be observed that David Hume was strongly of opinion that a depreciation of the currency, although it might, and most probably would, affect the non-productive classes, yet would produce very beneficial results to all the labouring and productive classes, inasmuch, as while the price of provisions was concomitantly altered, therate of wages was very much raised. The real question for the present consideration of the House was, whether the agriculturists were not in a wretched state, and whether also the prospects before them were not much worse? If such was acknowledged to be the case, was it not the duty of the House to institute an inquiry into the causes of distress and the means of relief? Had not such been the constant practice of the House? Indeed were they to refuse to grant the motion of the hon. Member for so important an agricultural district as that which the hon. Gentleman who brought forward the Question represented, he should leave the House in a state of the deepest astonishment that night. He believed the House was much too honourable and disinterested to regard the degree of interest which, taken as individuals, they had in the question of rents and prices, of produce and labour; but, at the same time, if they persisted in neglecting to institute an inquiry as was demanded, he would for once turn prophet and declare that the time would come when wheat would be at 4*s.*the bushel, that after ruining successively the landlord, farmer, and labourer, to the utter disorganization of all society, it would then rise to the cost of production, and a famine would ensue, not because of the corn-laws, not because of the ports not being open, but because of the burden of those fixed payments to the public annuitants and others, which render it utterly impossible for the farmer to get back the price which the corn costs him in producing it, and thus depriving him of all stimulus to grow it. The question which next chiefly called for an inquiry was the cause of this state of things, and to this he did not hesitate to reply that it was entirely caused by the Bill of 1819. That bill he repeated, had wholly failed to answer the anticipations even of its supporters, and Professor M'Culloch, in his evidence before the Committee which sat upon the subject of poor laws for Ireland, had declared that if Mr. Ricardo were now living, he would have the candour to admit that such was the fact. When the bill was introduced in 1819, it was said that the alteration which in its operation the measure would effect would not be more than three or three and a half per cent. But the experience of subsequent years had shown that the alteration brought about by the measure of 1819 now exceeded 30 per cent., and would, perhaps, reach 40 per cent.—Such was, however, the state of things, and in spite of the supposed relief to be derived from the Poor Law Amendment Act, it would be impossible for the farmers of this country successfully to raise wheat. That being so, the next question was, what was the remedy? He might here enter into an elaborate view of the various modes by which to relieve that distress, but he would refrain, because that was the proper subject of inquiry before such a Committee as the present motion demanded.—One of the reasons urged by the right hon. Gentleman opposite (Mr. P. Thomson), as a ground for refusing the Committee was, that the very fact that such a Committee, with such an object in view had been appointed, would tend to shake all commercial confidence, and would reduce the mercantile, funded, and commercial world to a state of constant alarm and fluctuation.—Now he looked upon all such objections, coming from the quarter whence these proceeded, to be so many cock-and-bull stories, to amuse and divert attention. He himself was a merchant, and he knew something of the Money-market, and he would therefore state of his own knowledge, upon 50 years' experience, that none of the effects predicted by the right hon. Gentleman would ensue from the appointment of the Committee. If, however, this fear was so great as to be unconquerable in the minds of hon. Members, let the proceedings of the Committee be kept secret from the public at large, and let the result of their labours and inquiries alone be made known when they had terminated them. That there was something rotten in the monetary system could not be doubted when it was obvious to all, that the public annuitants and the fixed creditors of the country enjoyed advantages over the productive classes, which rendered the latter wholly unable to compete with them. He had already uttered one prophecy, and he would, though not in the habit of doing so, offer another, which was, that if the present Members of

Government persisted in refusing a Committee of Inquiry, they would not long sit upon the benches now occupied by them. They surely did not think that the country would defer to their superior wisdom upon a point like the present, nor could they surely think that they had been preferred personally to the right hon. Member for Tamworth and his colleagues? No, the causes for those changes were to be found in the pressure which existed throughout the agricultural classes, and which made them anxious to support any Government which would attend to and redress their grievances. He would therefore, plainly tell the Government that if they were not prepared to bring forward some distinct plan for the relief of the agricultural distress, they would not long keep their present places, and he most certainly in such case hoped to God they might not.

Sir *Robert Peel:* I feel it my duty to take my share of any unpopularity that may attach to the refusal of this Committee. The hon. Gentleman who has just spoken has made a strong appeal to the feelings of the House, and has expatiated on the distress of the agricultural interest—which distress I admit. The hon. Gentleman also dwells on the hardships of a refusal to inquire into the distress. But, Sir, the hon. Gentleman knows, as well as I do, that the main object of this Motion is not inquiry into that distress, but that the purpose of it—not avowed in direct terms, but in the escape of those candid confessions which have fallen unawares from every speaker in its favour—is the depreciation of the standard of the currency. By every Gentleman who has spoken it is admitted, that, try what remedies you please, unless you give relief to the productive classes, by diminishing the fixed and permanent burdens of the country, through an alteration of the standard, no other remedy will give relief. What is the natural inference to be drawn from this language, but that depreciation is intended? If I resist the granting of a Committee of Inquiry into Agricultural Distress, it is because I know that no effectual relief would result from it. We had, in 1832, a Committee fully and fairly appointed on this very subject. They directed their best attention to the state of the agricultural interest. Every possible evidence was afforded to that Committee. That evidence received the amplest consideration, and the result was, that the Committee tendered their advice to the House, that they should, above all other things, abstain from interfering with the currency of the country. The hon. Member has referred to the Bill of 1819, and has again kindly attempted to relieve me from the responsibility attached to that measure. He says that those who are convinced of their errors, ought to be candid enough to admit them. I do not deny the proposition of the hon. Gentleman; but there can be no reason why persons not believing themselves in error, are to be called upon to make confessions of repentance. That the Bill of 1819 did increase the distress of the country to a certain degree, I do not deny; but it was utterly impossible to escape from the evils of an inconvertible paper currency, continued for above twenty years, without the infliction of some pressure and distress on the country. The question was, whether we should submit to a temporary evil and occasional injustice, which a return to a better system of currency would at first produce, or continue and persevere in a course which would ultimately lead to ruin? It is not just to attribute to the Act of 1819 the whole of that reduction in prices, which has taken place in agricultural, and, in fact, in almost every other description of produce. There was, certainly, concurrently with the resumption of cash payments, a great reduction in prices, and the distress of the agriculturists was, in part, aggravated by that reduction. But a great reduction in the price of agricultural produce was inevitable, even if cash payments had not been resumed. It must have followed the cessation of that monopoly which had been enjoyed by agriculturists during the war,—the cessation of that stimulus to agricultural speculation, which was peculiarly the effect of a war, such as that in which this country was engaged from 1793 to 1815. The return of peace, had there been no inconvertible paper currency, no practical depreciation of the standard during the war, must have materially affected the agricultural interests. Nearly concurrently with the return of peace the restoration of the standard took place. It aggravated, to a certain extent, the pressure which arose from another cause that came into simultaneous operation; but many assigned the whole effect to the restoration of the standard, and will make no allowance for the consequences of the other and more powerful agent in the reduction of prices, and in the disappointment of those who had speculated on their continuance. The question to-night, is not whether we shall inquire into agricultural distress, but whether we shall now attempt to remedy the alleged evils caused by the Bill of 1819. The mode by which relief can be given, must either be by returning to an inconvertible paper currency, or by a depreciation of the standard. The first method is disclaimed by many, the whole tenor of whose reasoning is in its favour; the second, if it were a just measure, and an expedient one, could only be enforced, with any prospect of advantage, by some sudden act of authority, which should leave no time for deliberation as to its probable results. Under a perfectly despotic form of government, a depreciation of the standard may take place, which, no doubt, will inflict injustice on all creditors, but need not cause that utter confusion in all commercial dealings, which would be the inevitable result of depreciation to be adopted after long previous warning of the intention to depreciate, and as the result of a protracted investigation before a Committee. The hon. Gentleman who has just spoken, being aware of this evil, says—"let us have a Committee, the result of which shall never be known to the public." There, certainly, can be no objection to a Committee which is never to have a result. The hon. Gentleman corrects me, and says he means that the proceedings in the Committee should not be known. But I say, that it is the expectation of the result that would agitate the public mind. It is of no use to conceal the daily proceedings of the Committee from the public, if you let them know beforehand the end you have in view. If depreciation is to be the result of the inquiry, it is useless to conceal the progress of the inquiry from the public. If the public mind is led to expect that, after three months' sitting, the result of the Committee will be a depreciation of the standard, of what avail will it be that the Committee should conduct in secret the inquiries which are to lead to that result? What would be the case of every debtor and creditor, if the public knew that the payment of existing debts would be placed on a different footing after the lapse of a given time;—that debts contracted in one currency were to be paid in another? Does the hon. Gentleman expect that any transaction would take place in the mean time? Does he not know that the result would be the demand of every debt which could be promptly demanded,—a total paralysis of commerce,—and a total cessation of all dealings on credit? The hon. Gentleman asks, why we have so much pity for the creditor, and none for the debtor? and argues, in the same spirit which dictates the question, that creditors are generally rich men, and entitled to a smaller share of indulgence. Now, can such a proposition be generally affirmed as to creditors throughout the country? Every person who has advanced money to the public, from confidence in the public faith—every one entering into any commercial transaction where money is not forthwith paid—is a creditor; liable to be affected in the recovery of a just demand by a depreciation of the standard. How absurd to class all creditors together, and to disregard their interests on the assumption that they are comparatively a rich body? The hon. Gentleman who made the Motion, employed rather a curious argument. He maintains that the person who has speculated in the purchase of land, has as good a right to expect an adequate return, as he who employs an equal amount of capital in the public funds. But is not there a palpable difference between the two transactions? The latter lends a thousand pounds to the public, and the public credit is pledged to him for the repayment of his debt; in the case of the former it is a mere speculation without any guarantee against failure given to him by the public. It shows a great confusion of ideas to place a mere pecuniary speculation on the same footing with a positive contract, and to contend that I have the same right to be guaranteed against loss when I make a purchase, as I have when I lend money with a promise of repayment. I affirmed that the express object of the hon. Gentleman (Mr. Richards)—of my hon. Friend, if he will allow me so to call him)—is a depreciation of the currency. My hon. Friend does not admit this—but what did he mean when he said that the hon. Member for Wiltshire has thrown greater light on the effect of this measure than anybody else? What was the light, thus thrown by the Member for Wiltshire, illustrating so clearly the consequences of his Motion? It was this, that the agricultural interest would be benefited, because the fixed engagements and incumbrances of this country would be diminished. But how could they be diminished in this sense, excepting by discharging them in a depreciated currency? Well, indeed, may my hon. Friend say, that the Member for Wiltshire has stripped the Motion of its false colours, and exhibited it in its true light. This proposition, so far as currency is concerned, directs itself to one or other of two objects: either it has in view the correction of the defects of the existing system of currency apart from any project of depreciation, or it means to give relief to the debtor by a depreciation of the standard, and a diminution, *pro tanto,* of the public burthens caused by the amount of the national debt. Let us examine separately each of these objects, and submit each to the test of fair reasoning. First, then, is there any defect in an existing monetary system? I remember it was prophesied, that if we returned to what was called the antiquated standard, there would be an end of the commerce of the country; but I have seen, that since the resumption of that antiquated standard, the commerce and manufacture of the country have been carried on to a much greater extent than at any former period. I repeat, that under the present monetary system, there has been a greater amount of commercial transactions — there has been more manufacturing industry employed—a greater export trade—a greater spirit of local improvement—than at any former period; even than at that of inconvertible paper. I do not apprehend that the state of our manufactures is such as to require any change in the monetary system of the country, and I cannot conceive what interest the agriculturist can have in lowering the standard, apart from the consideration of relief from debt by depreciation. I am keeping that matter distinct. It is said, indeed, that all interests prosper under a constantly depreciated currency; and the opinion of Mr. Hume has been referred to in support of such a position. But no sane man — much less a philosopher of the acuteness and intelligence of Mr. Hume—could ever have meant to advocate the constant and indefinite depreciation of the standard. Mr. Hume was speaking of the stimulus to trade which progressive reduction in the value of the precious metals would afford, but this is a matter totally distinct from actual depreciation of the standard by authority. If such depreciation is to be indefinite, where, I would ask the hon. Member, is such a system to find an end? If Parliament were to make a declaration, not only that the standard shall be altered now, but that the value of the currency shall be continually lowered by a constant future depreciation, it would be tantamount to a declaration, that there shall be no credit, and no commercial dealing in this country. If paper is not to be inconvertible, and if there is to be no depreciation of the standard, what separate interest can agriculture have in a change of the monetary system—and why connect the proposal for a change with inquiry into agricultural distress? Some Gentlemen, indeed, argue, that a silver is, abstractedly, preferable to a gold standard; and there might, possibly, be some reason for that preference, if the whole matter were *res integra,* and we had now to choose, unfettered by any previous choice, between a gold and a silver standard. But suppose we had adopted a silver standard in the year 1819, and made paper convertible into silver instead of gold, the same pressure and distress would have occurred as that which followed the resumption of the gold standard. I see no advantage in the substitution of a silver for a gold standard. It appears to me that at present our system of currency is as nearly perfect as it can be. We have gold as a sole standard, and we use silver coin as a token. You coin a pound of silver into 66*s.* instead of 62*s.* the Mint price, or 60*s.* the real price, at present; but you do not permit it to be a legal tender for any sum above 40*s.* Now, if we proceed to alter the currency, the first question would be, shall we have a double standard of gold and silver conjointly, or shall we simply alter our standard from gold to silver? I cannot see any advantage derivable from the institution of a double standard,—you cannot make a double standard without first defining the ratio which is to exist between the nominal values of the two metals. To say that every man shall pay his debt in silver or gold, whichever he might please, without defining their relative value, would be absurd and impracticable. We might, certainly, have a double standard, defining the relative values of gold and silver, and leaving it to the option of a party who had money to pay, to make his payment either in gold or silver. But this very option seems defeating the object of a standard, and introducing, unnecessarily, uncertainty into contracts. It appears to me a much less simple course than that of adhering to a single standard, and a course unaccompanied by any advantage, countervailing the loss of simplicity. Gold and silver seem to have some necessary connexion, from being so frequently united in common parlance; but there is no more reason that they should be united in a standard, than that gold and lead, or gold and copper, should be so united. To unite two metals, the value of which is not in a fixed ratio, and cannot be —in a double standard, is to diminish the value and advantage of a standard. The more simple the standard the better—the very name implies unity and simplicity. It is the measure of value—and why not have one measure of value, as well as one measure of length or capacity? The hon. Gentleman proposed to take silver as the standard, leaving gold to find its own value. I know that the subject is a dry one, and that the attempt to argue it, without having recourse to any exciting topics of party interest, must weary the patience of the House—but I will be as concise as possible. The hon. Gentleman, then, is inclined to take silver as the standard, and to leave gold to find its own value, in the same way as copper, or lead, or coin, or any other article of commercial traffic. Now what does he gain by this for agriculture? At what rate is silver to be estimated? At the former mint rate of 62*s.* to the pound, or at its present value in the market—namely, about 60*s.* to the pound? To take the silver standard at 66*s.* the rate at which the silver token circulates, would be barefaced depreciation of the standard, and certainly if you are determined to depreciate your currency, the best and simplest mode of depreciation will be to do it openly and avowedly. Do not attempt to cover your design, but declare at once that the sovereign shall in future pass for 25*s.* or 30*s.* or any other sum you prefer. Such a plan would, at least, have this advantage—it would save the expense of calling in the present and of issuing a new coinage. And it would also have another advantage—it would be doing that openly and fearlessly, if not honestly, that is often proposed to be done under other pretences. Whenever the House shall determine upon a depreciation of the standard of value—or in other words, whenever you determine that the public creditor shall be defrauded, and that the debtor shall not pay what he has engaged to pay,—depend upon it, the best and simplest mode will be to say, that the sovereign shall remain a sovereign in name, but that it shall pass current for a larger amount than 20*s.* To adopt 66*s.* for the value of silver as a standard, because it has now that value as a token, would, I again repeat it, be a clear depreciation of the standard. I do not, however, understand that the hon. Member is for taking 66*s.* as his standard for silver, when the price of silver is at present only about 60*s.* The sole object for which the hon. Member professes to want his Committee is, to inquire whether it is expedient to substitute silver at 60*s.* or 62*s.* as a standard, instead of gold at 3*l.* 17*s.* 10½*d.* the ounce. To estimate silver as a standard, at 62*s.* when its value is only 60*s.* would be depreciation on a small scale. The gain would be hardly worth the odium. If depreciation be disavowed altogether—and if silver be adopted as a standard at its present market value in relation to gold—I doubt whether the hon. Gentleman would make a good bargain, even with his own views of a good bargain, for the agriculturist. I doubt it, because if the substitution of the standard took place, there would be an immediate rise in the value of silver. Those who are the most opposed to the principle of the Act of 1819, should be the persons least sanguine in their expectations of great benefits to be derived from the substitution at present of a silver, for a gold standard. If silver be substituted for gold, as a standard, there must be, according to their doctrines, a material rise in the price of silver. Gold being no longer required for coin, might leave the country, and might be depreciated in value,—for England would not then want the millions of gold which are now necessary for its circulation. Silver, on the other hand, being wanted, instead of gold, having been substituted as the standard—as the sole legal tender,—England would appear in the market, as a purchaser of silver, which would, therefore, be more in demand, and would, consequently, rise in price. If this should be the case to any extent whatever, where would be the relief, to the debtor or mortgager, from an alteration in the standard? It may be said that there is a greater probability that silver will fall in value, on account of increased production from the mines, than that gold will. I doubt, however, whether a reference to the productiveness of mines, would not prove that gold has been of late years produced, relatively, in much greater quantities than silver. If hon. Members will consult the works of Baron Humboldt,—if they will advert to the returns, imperfect as they must be, obtained from our consuls and diplomatic agents in South America—if they will look at the statements contained in Mr. Jacob's work,—they will probably see reason to doubt whether gold is not now produced, taking into account the new supply from North America, from Russia, and from Siberia, in larger quantities, relatively to silver, than it has been heretofore. I doubt whether the hon. Member, if he were to attain his object of introducing, not a conjoint, but a silver standard, singly, at the present rate of silver, would not find that his efforts had been productive of more harm than good to the interests which he hopes to serve; and whether he would not, ere long, be awakened to the conviction that he had made a worse bargain for those of the agriculturists who are suffering from debts and incumbrances, than that which exists at present. So much for alteration of the standard of value unconnected with depreciation. Now, let us consider it in connexion with depreciation. By depreciating the standard, the prices of all commodities would be raised; the agriculturist would receive a greater price for the corn which he has to sell, but he will also have to pay a greater price for all the articles which he has to purchase for himself and his family; and thus, the apparent and nominal advantages which he would reap as a seller, will be counterbalanced by the greater prices which he will be obliged to pay as a purchaser. There is, however, one point in which he would undoubtedly be a gainer at first from the depreciation of the currency. The rate of labour would, for a time,—perhaps a considerable time, be lower; but in that case, who would be the sufferer? Who but the agricultural labourer? I say, the sufferer by the depreciation of the currency is sure to be the labourer. The rate of wages would not be increased simultaneously with the reduced value of money. I know the argument that is used with regard to the general prosperity which is to revisit the land, and the demand for labour which would be the consequence of it: I know that the advocates of depreciation attempt to supply the deficiency of their arguments by the magnificence of their prophecies; but the truth is, the price of labour does not vary so rapidly as the price of commodities; and depend upon it that the first and chief sufferer by depreciation of the currency is he who is supported by the wages of manual labour. All, then, that the agriculturist would gain from depreciating the standard would be the amount of his savings by defrauding the public creditor, and pinching the agricultural labourer. "But," said the hon. Gentleman, "the agricultural interest has a claim to the advantages which may arise from depreciating the currency, and from diminishing the pressure of the public burthens; because the Members of it contracted their debts in one currency, and are now called upon to pay them in another." Much has been said of the injustice done to those who, having made their engagements in a depreciated, were called upon to fulfil them in an improved, currency; and no doubt there has been hardship in peculiar cases: but was it possible to devise any just scheme of general adjustment? It clearly is not fair to take one period only into account, or one class of sufferers from fluctuations in the value of the currency. If there is to be an attempt at the equitable adjustment of contracts, it must be on a very comprehensive principle, and extend over a very long period. We hear much of the injustice inflicted on the man who, having borrowed money during the period of a depreciated currency, has been called upon to repay it in one of increased value. But what say you to the case of those who, having lent money previously to the year 1797, that is, previously to the suspension of cash payments, were compelled to receive their principal or their interest in that very currency, the depreciation of which is said to have been so great? Were not they, at least, as great sufferers as the others? and can you open one of these accounts for equitable adjustment, and close the other? The question is,—"Can justice be done, now, by altering the arrangement to which Parliament came in the year 1819?" In 1819? No; I have already said, that that arrangement was decided on by Parliament in the year 1816. I repeat, that the arrangement was, in reality, made in 1816. I do not mean that cash payments were legally established in 1816; but I mean that, owing to natural causes, in consequence of the return of peace—the cessation of the stimulus of war—the free intercourse in all commodities—and the improvement in machinery, common to all manufacturing countries — that reduction of prices, and that contraction of currency, took place in 1816, which are attributed almost exclusively to the Act of 1819. It is necessary to separate the operation of that Bill from these effects, which were produced by the natural causes which I have enumerated, and by the engagement into which Parliament had entered, to revert to cash payments on the conclusion of peace. Nineteen years have now elapsed since 1816, and, with trifling exceptions, all contracts now in existence were formed under the existing system of currency, and in full confidence that this system would be continued. Those who formed them had not only the faith of ordinary law to depend on, but had also the knowledge that repeated attempts were made in this House to obtain an alteration of that law, and were as repeatedly resisted and refused. The Act for the actual resumption of cash payments passed in 1819. In 1821, the House came to a solemn resolution, that it would not consent to any alteration in the standard. In 1826, it repeated that declaration; and, again, in 1833. What justice, then, I ask, would there be in now depreciating the standard, and in making all contracts formed since 1819 conform to a depreciated currency? So far from redressing any injustice inflicted by former fluctuations, how many parties are there who would be double sufferers—who have closed the transactions —who have paid the debts in respect to which the former hardship was sustained— and have entered into new contracts, by the derangement of which they would again suffer? How small a portion of the contracts formed before 1816 remain now unfulfilled, compared with the number which have been formed since? In how many cases, to which law did not reach,—leases, for instance, and contracts for fixed payments,— has compensation been made by voluntary compacts between the parties? What injustice would you not inflict on those who have entered into contracts on the faith of your acts and of your resolutions, solemnly made, and as solemnly reiterated, if you now compel the derangement of them, by depreciating the currency in which they were formed? For these considerations, and without troubling the House by the introduction of extraneous topics — believing that the agriculturists have no real interest in the proposition, apart from a depreciation of the currency, and thereby robbing the public creditor,— and feeling it to be inconsistent with the honour and integrity of the House of Commons to lend itself to any measure that would have that result—I shall not permit the pretext of a vague inquiry into agricultural distress to blind me as to the real objects of this proposition, which is neither more nor less than, through a depreciation of the standard, to seek a relief which would not, I believe, be effectual; and which, if effectual, would, I am sure, be dishonest.

Mr. *O'Connell* said, that if the right hon. Baronet's views were right, an inquiry could do no harm; but, if they were wrong, it was natural that those who entertained them should shrink from inquiry. If the House looked back to the calamities produced by the Bill of the year 1819, they would feel the necessity of the inquiry now called for. A more destructive Bill—a more iniquitous Bill than that of 1819 had never been introduced. There never had been a measure more fatal to this country —there never had been a measure so fatal to Ireland. From the year 1797 we had had a paper currency, and all contracts were made under that system. In 1819 an alteration was made. The right hon. Baronet had played rather fast and loose with dates. The change was not in 1816. It was said that the persons who made contracts in that currency were apprised, that at one time or other we must come back to a gold standard. That was very true; but had not the very same Parliament declared that a guinea in gold and a pound note and a shilling were of equal value? Therefore the people must naturally have thought that the Parliament could have no motive in altering the standard. That was the situation of the country in 1819; but that was not all. We owed 900 millions in the currency of that period. There was no pressing necessity for the measure of 1819. It appeared to him absolutely as if concocted in insanity, and for no other purpose than to make a mighty experiment on the power of human suffering, to see what weight it could bear. He knew well the load of suffering which that Bill had caused. He remembered persons having valuable interests in land leased to others, who had also interests, and all were swept from the face of the land by the effects of that Bill as by a plague or pestilence. To be sure, Ireland was peculiarly circumstanced. It was a debtor country. She felt the effects of that Bill to this hour. The more because, she being an agricultural country, when there was but a small price given for agricultural produce, a greater proportion of it must be exported. Thus a man, instead of reserving three pigs out of six for his own use, was obliged to send the whole of them out of the country, and hence it ensued that misery was brought home to every cabin door. As to the public debt, could it be denied that the amount of that debt had been doubled? And, that being the case, was it not clear that the monied interest had a strong motive for upholding the present system? He, however, must protest against it. The right hon. Baronet had said, that those who bought lands were speculators, and that those who invested money in the funds were not. Now, was this the fact? Why, those who lent the Government 1,000*l.* expected to get 2,000*l.* for it; that was, those who purchased three per cents.

at 50*l.* expected to get 100*l.* instead of 50*l.* by employing their capital in that way, and, therefore, if this proved anything, it went to show, that the man who dealt in money was as much a speculator as the man who dealt in land—that there was really no distinction whatever between them. He maintained that the public creditor was as much a speculator as the person who had purchased land; and that, if there was any difference between them, the industry of the country was left to make good that difference. But what was the remedy proposed? Now he was not uncandid enough to deny, that the remedy proposed must of necessity effect a depreciation to a certain extent; but then, it was his opinion that the country at large would derive very great advantage from a cheap currency. It was said, however, that a depreciation of the currency would prejudice existing contracts; but for his part, he should like to know how it could affect contracts which were made in the year 1819. The right hon. Baronet had said, that 1816 was the period when paper and gold were at par; but did he forget that in the following year, 1817, the issue of paper was greater than in the previous year, although both 1817 and 1818 were years of agricultural prosperity? For those three years, then, he had a right to take credit. But did the Government go back to a metallic currency in 1818? Undoubtedly they did not, for in that year the Bank of England issued no less than four millions of paper, and, of course, the currency was by that means increased. Well, then, in 1816 there was distress; 1817 and 1818 were years of prosperity; but in 1819 that prosperity was checked. In 1821 they had their resolution against a paper currency. And then came 1826, when it was resolved that they should go to a gold standard. But he would ask them whether there had been one year of prosperity since, or if agriculture had prospered from 1826 down to the present hour? The evidence was decisive on the point, and he would defy any man to deny that since they had resolved, in 1826, not to alter the currency, agricultural distress had been constantly on the increase. From that period to the present that House had done literally nothing, and, it would seem, meant to do nothing. To be sure in 1833 they passed a resolution, but what was the effect of that resolution? Why it was as much as to say that the play of *Hamlet* was to be played with the part of *Hamlet* omitted by particular desire—for the subject of the currency was altogether passed over. In short they had done nothing; they had afforded no relief; and 1835 had come, and what was the result? Why, that wheat was from 4*s.* to 4*s.* 6*d.* the bushel. But was that, he should like to know, any relief to the agricultural interests? Now he was glad that this was not a party question. The Government took part with the right hon. Baronet opposite, and the great monied aristocracy, and he regretted it; but this he could tell them, that although it was not a party question in that House, it was considered so out of doors. Many a vote had been canvassed against the Government on the subject of agriculture, and he must therefore say that he was sorry they should allow the monied interest a species of domination which rendered them unable to do as they would wish; but would this feed the hungry, or afford that relief to the country which was expected at the hands of the present Ministers of the Crown? By their own admission the agricultural interests had been going back year after year for the last eleven years; and in 1833 that House went the length of declaring that they could do nothing with a view to relief, although they admitted the distress. Let them deny the existence of distress in England if they pleased, but he would go to Ireland, and show them, that there, at least, distress prevailed. Indeed the fact with respect to Ireland could not be denied; and, that being so, he would ask if that House would so far stultify itself as to repeat the declaration of former years, that it would pass no measure for the alleviation of this distress? He acknowledged that a change in the present system would give relief to the debtor, and to that extent diminish the means of the creditor—not, however, the mercantile creditor—for it could not operate prejudicially to the man who was both a buyer and a seller. On this head he differed from the sentiments of the hon. Member for Knaresborough, as he did upon many others, and he must say that the fair way to take the inquiry was as between debtor and creditor. He could not help thinking that there was something wrong about a gold standard—that it was injurious in a variety of ways besides rendering dear the rate of exchange. It had a sensible effect upon the productive labour of the country; and it was his belief that without a cheap currency productive industry could not be put into such active motion as would increase the value of property to an extent which would compensate for the loss which the change might produce. In proof of this he would adduce a familiar illustration. Suppose in the back settlements of America it were declared that no man should cut down a tree except with a golden hatchet, what would be the result? Why, that little ground would be cleared and brought into a state of productiveness. But suppose another Act were passed by which it was said that none but good Birmingham steel hatchets should be used in clearing the woods, what would the case be then? Why, that trees would be rapidly cut down, and land brought under cultivation, so that the man with the gold hatchet would throw it out of the window and betake himself to the more useful implement. A paper currency was designated by all sorts of contemptuous epithets. Vile rags—worthless assignats, were the terms applied to it. He recollected Mr. Canning in his figurative language, speaking of "a mountain of paper irrigated with gold at the base." He (Mr. O'Connell) would irrigate it with silver. He would have a metallic currency to act as a check when the paper exceeded a proper quantity. It was impossible to suppose that the right hon. Baronet opposite, in the introduction of his measure, could have been influenced by any other than a laudable motive. His fame and his fortune were too intimately bound up with the prosperity of the country to suppose that his motives could have been otherwise than pure. But the experiment which he originated was a most dangerous one, the effects of which had been already felt—which were at present in operation, and which, he feared, many would yet have to deplore. He was for the Motion of the hon. Member, and he regretted that his Majesty's Ministers did not agree with him in the view which he took upon the subject. He wished that they would even hold out a hope by the appointment of a Committee, that something might be done to remedy the evils which at present existed. Then they might disregard the clamour which had been raised against them in the distant counties, of indifference to the agricultural distress. What interest could they have except in the prosperity of the entire country? He disagreed with the observations of the Member for Knaresborough, with respect to the Ministry, and deprecated their tendency.

The *Chancellor of the Exchequer* said, that after the arguments which had been adduced by the right hon. Baronet opposite, there remained, practically speaking, but little for him to say; at the same time he must beg, in the first instance, to advert to what had fallen from the hon. Member for Knaresborough, the whole current of whose argument was, that in all his Majesty's Ministers did, and in all they proposed, they evinced a determination to refuse all relief to, and withhold all sympathy from, the agricultural interest. The hon. Member had mixed up a variety of propositions, which were in themselves entirely different and distinct. They were not now refusing any application for inquiry into agricultural distress, with a view to its relief; on the contrary, the very same individuals who acquiesced in the appointment of a Committee for that purpose, were now opposing an inquiry into the standard, which, as had been already stated by the hon. and learned Member for Dublin, meant nothing more nor less than a depreciation, for the purpose of paying less than they had promised to pay. That was the practical question at issue, and, on which the division would be taken. He must say, in behalf of that interest. with which he had the honour to be connected, the agricultural interest, of which he never could speak but in terms of the highest respect, that it belonged less to them than to any other class to advocate a depreciation of the standard, because, by reason of the transactions connected with lands, mortgages, contracts, family settlements, and on jointures, they were the individuals of all others in the whole community who had to answer the largest claims on account of fixed engagements, and in whom, therefore, it would be infinitely less creditable and honourable than for any others to come forward and ask for relief by depreciating the currency. His right hon. Friend the President of the Board of Trade had referred to the Resolution of 1833. It was not the only one upon the subject. In former and earlier times, and under nearly similar circumstances, the reign of King William, in 1696, the House of Commons had the honour and the honesty to come forward and to refuse their assent to such a proposition as the present, in the following Resolution:—"That the House would not alter the standard of the gold and silver coin of the realm in value, weight, or denomination." The same Resolution was afterwards moved as an Amendment, on a similar proposition by Mr. Huskisson; and one to pretty nearly the same effect had been moved by his noble Friend in 1833. It was said that they were paying the public creditor more than they had contracted to pay. He denied the fact absolutely. The loan had been contracted at a period of the greatest depreciation, and they were now paying in gold, at *3l.* 19*s.* 10½*d;* and had it not been a special article of the contract with the public creditor, that within a certain period after the restoration of peace, he should be paid in full? If the principle now sought to be established were once adopted, what was the situation in which he might chance to find himself placed? Let the House but once affirm the principle that they had a right to deal with these contracts, and to pay the public creditor less than they had contracted, and in the course of the present Session it might be his duty to apply to that monied interest which had been spoken of to raise a loan with which to meet the exigencies of the State. But how could England hope to raise such a loan if the British Parliament were to set to the nations of the earth the example of violating her contracts, and departing from her most solemn and long-recognised engagements? At what period, too, were they called upon to take this step? Why just at that time of all others when other nations had been setting a better example, and pursuing a far nobler course even in danger and in difficulties. Portugal herself had been making efforts for the improvement of her currency—and America, a free state, had been making one of the greatest and most difficult efforts ever made by a nation to restore the character of her currency. Was this the moment for England, the first of all nations in a commercial point of view, to set an example to all who lived within its dominions, and to the nations of the earth, for the first time in her modern history, of a violation of faith? Was this the period for acceding to such a proposition, when they had just accomplished, by legitimate means, the reduction of the interest on the national debt, and after inducing the public creditor to keep up the value of the securities, to turn upon him at last, and by forcible robbery deprive him of his fair and just remuneration? Gentlemen who talked about pressure would have them believe that it rested exclusively with the landed interest. Was that the only interest that suffered? Gentlemen connected with commerce would tell them that there had been no inconsiderable reduction in profits generally. Let them look to the condition even of the public creditor; a paper he held in his hand showed that since the peace a saving of *2,355,845l.* had been effected in the interest of the debt in the annual payments. The following was the paper referred to:—

An Account of the Saving accrued to the Public by the Conversion of Stock from a higher to a lower rate of Interest.

	Capital.	Interest on the Capital.		Saving.
		At the highest rate of Interest.	At the lowest rate of Interest.	
	£	£	£	£
1822.				
Capital £5 per Cents., after deducting £2,794,318 dissents	149,627,825	7,481,391	..	1,197,022
Capital of the New Stock, 4 per Cents., including the bonus of £7,481,393...	157,109,218	..	6,284,363	
1826.				
Capital £4 per Cents., after deducting £6,149,246 dissents	70,105,403	2,804,216	2,453,619	350,597
Capital £3 10*s.* per Cents., the same.				
1830.				
Capital £4 per Cents., after deducting £2,649,366 dissents	151,021,728	6,040,869	..	755,110
Capital £3 10*s.* per Cent....150,344,051 Ditto £5 per Cent......... 474,374	150,818,425	..	5,285,759	
1834.				
Capital £4 per Cents.	10,622,911	424,916	371,800	53,116
The same Capital in £3 10*s.* per Cents.				
			TOTAL..£	2,355,845

It might be said, that every other interest would derive an equal benefit from the reduction. He denied that it could take effect except upon fixed engagements. Again, did Gentlemen pay the same interest now on mortgages as they had done in past times? The hon. Member for Wiltshire (Mr. Benett) had addressed the House upon this subject. He should like to know what account the hon. Member for Wiltshire (Mr. Benett), when he came freely to discuss this measure with his constituents, would give them of the opinion which he had expressed that night. What reply would he give, when asked as to the amount of benefit which he would receive, and the amount which the agricultural labourers would obtain? All purchasers would be called upon to pay higher money prices, and he should like to know whether the hon. Member would be prepared to pay them wages of a greater amount than he now paid? Every one knew that wages were the last to rise after an alteration in the currency; and the agricultural labourers would therefore be pinched just in proportion to the extent of the change. What was the result of the depreciation in 1797? Was it not the act, which of all other acts, produced the greatest agricultural distress and misery, and was there any ground for doubting that a similar depreciation now would not be attended by the same results? His hon. Friend could only reply, that those who had fixed engagements would be better off after, than they were before, the change. But what could he say of those who had no such engagements, and who were only able to earn a daily livelihood, and who, in consequence of the change, were taxed by a general rise in the price of all provisions? The hon. and learned Member for Dublin (Mr. O'Connell) had alluded to the state of Ireland, as having exhibited since the year 1819 great agricultural distress. He did not mean to deny that the Irish agriculturists had felt the change in a manner peculiarly severe, but then he was also bound to remember that the agriculturist had now no war prices, nor the benefit of public contracts, nor any of those advantages which during the war were possessed more than by any other class in the United Kingdom, by the Irish farmers. If the hon. and learned Gentleman would refer all the existing distress to the depreciation of the paper currency, he, in return, would refer him to the time when Ireland had a paper currency—a time which the hon. and learned Gentleman must recollect well—and to all that that paper currency produced. Every Gentleman who had spoken on this subject had referred to the fluctuations which had taken place in the currency, as the greatest of public calamities; they had alluded to 1797, 1816, 1819, 1822, and 1826. Many of these Gentlemen had deplored the lamentable effects of these fluctuations; and then they concluded by calling on the Government to take the very step which must open the door to a repetition of the same fluctuations and the same effects. Moreover, they would do this and unsettle the whole of the public interests without the concomitance of any, or at least but a very slight degree, of the advantages for which former sacrifices were made. It was not to the year 1819, that they were justified in looking back, it was to the year 1797, when that measure was passed, which, however necessary it might have been at the time, although upon that point there existed much difference of opinion, had led to the many subsequent changes and distresses which all concurred in admitting and deploring. That measure, which was not passed at the desire of the Bank of England itself, but for the convenience of the then Government—vested an enormous power in an irresponsible body, and gave them an unlimited authority to vary at their own will and pleasure, all the contracts of the country. True it was, that power had not, according to expectation, been abused, an instance of moderation which, perhaps, of all the miracles in modern times stood forth as the greatest. No one could deny the distressing consequences of that measure. Let them travel on to 1819, and then they viewed the multiplied pressure and cases of misery which, although he thought much exaggerated by some hon. Gentlemen, were yet of considerable magnitude. Well, what was the decision? Why, notwithstanding all your distress and all your pressure, you determine to fulfil your engagements. And after this settlement would you, in 1834, resolve upon a violation? Would you take a step which, though hon. Gentlemen recommended it by arguments relating to the state of the country in 1797 and at the time of depreciation, had no direct connexion with that period, it being well known that ninety-nine out of one hundred, nay nine hundred and ninety-nine out of one thousand, or any greater proportion of numbers, were not affected in their contracts by the depreciation of the last century. On these grounds he trusted that to preserve the public credit and the public honour a strong majority would declare their opinion as to the necessity of adhering to the present standard. Some hon. Gentlemen had represented the fundholders as the monied interests—a mistake which, before he sat down, he thought it fitting to rectify. The fundholders did not belong to the great and wealthy classes, but to the middle ranks of society—as was evident in the first glance at a paper showing what interest the monied men, or leviathans of wealth, possessed, and what the middle classes had in the public funds. He would, with the permission of the House, refer to one paper, from which it would appear how small a portion of this property was possessed by the great leviathans of wealth whom the right hon. Gentleman supposed to be the objects of their exclusive protection. It was to the following effect:—

Dividends payable 5th June, 1834... 181,469 persons
Not exceeding *5l.*....56,236
Not exceeding *10l.*....29,202
Not exceeding *50l.*....63,482
——— 148,920

Not exceeding *30l.*...............32,549

The middle classes then, it appeared, were the great proprietors in the funds, and, therefore, he had a right to tell his hon. Friend that if the object of the motion were effected it would be the destruction not of the large monied interest, but of those whose stake individually was little, but which little comprised their all. He should not further trespass on the patience of the House, being mindful of the pledge which he had given in the outset.

Mr. *Gillon* moved the adjournment of the debate and the gallery was cleared for a division.

Strangers were excluded for some time. Mr. Gillon consented to withdraw his motion.

Sir *Charles Burrell* addressed the House, and read an extract from the late Sir R. Peel's pamphlet on the currency, in which the advantage of an abundant over a restricted currency, was pointed out, with a view to the promotion of national prosperity. The ill effects occasioned by a diminution of the currency in 1819 had been foreseen, and it was justly argued that distress must arise from taking 3,200,000*l.* out of circulation in the space of a single year. No country but this could have stood the shock thus occasioned, and we were now suffering severely from its effects. He could only look for relief to an extension of the currency, a measure in which he thought that the fundholder himself, was interested, and by which he would ultimately benefit, for though he might suffer a temporary loss of interest and capital, even he would be compensated by improved security, and by the general improvement of which he must be a partaker. On these grounds, as a benefit to the agricultural and other classes of the community, he supported the Motion.

Mr. *John Maxwell* rose merely to protest against the stigma which was constantly applied to Members who supported inquiry into the monetary system. The motion was always narrowed into personal interests, into a question of Gentlemen creditors and Gentlemen debtors; and the condition of 24 millions of industrious persons, whose means of employment have been wrested from them given to parties living on the taxes, is wholly overlooked He (Mr. Maxwell) as a representative of those 24 millions, demanded that any mistake which had deprived them of employment, by taking away part of the means of their employers, should be inquired into, and, if possible, rectified. He wished that no part of the funds which gave them work and bread should be transferred unjustly, or from erroneous legislation, to others—more particularly to placemen, pensioners and fundholders, who had no right to them. Many of the working classes who had by their savings built, or purchased a house, had all swallowed up by the increased value of money. It could never be too late to discover truth and to do justice, and whatever stigma might follow his vote, it should be given to an inquiry to relieve agriculture, by relieving those who consume, as well as those who produce agricultural produce.

Mr. *Cayley*: Sir, I know that, according to the strict rules of the House, I have not —as my motion is, in fact, an amendment on going into a Committee of Supply—the right of reply; I trust, however, to the indulgence of the House, to allow me to say a few words in explanation. I have been taxed with a desire to injure the working-class by a rise of prices. Sir, I repel the charge with indignation. If there be a class in the community to whom I wish well—for whose benefit I would labour day and night—and whom I seek more than another to benefit by the measures I propose—it is the working-class. What is the value of low prices to that class, without employment, and without wages? I challenge inquiry into their condition now, and when prices were higher.

The *Speaker*: I must remind the hon. Member that he is exceeding the limits of an explanation.

Mr. *Cayley*: Then, Sir, since I am not allowed to say more—although there are many points to which I should have wished to address myself—I will only add, in two words—the right hon. Gentlemen who have spoken against the Motion have entirely misapprehended or perverted its object. Whatever my opinion of the necessities of the case may be, my motion does not ask for a depreciation of the standard of value; and whatever their opinion may be of the results of the measure I propose to the labouring class, my firm conviction is—that that class, and their employers, would be equally benefitted by it.

The House divided, on the motion:—Ayes 126; Noes 216; Majority 90.

List of the AYES.

Agnew, Sir A.
Allsager, Captain
Alston, R.
Astley, Sir J.
Atwood, T.
Bailey, J.
Barlow, H.
Barnard, E. G.
Barrow, H. W.
Bell, M.
Benett, J.
Blackstone, W. S.
Blunt, Sir C.
Bodkin, J. J.
Borthwick, P.
Brabazon, Sir W.
Brady, D. C.
Bridgman, H.
Brudenell, Lord
Bruen, F.
Buller, Sir J. Y.
Burrell, Sir C.
Chandos, Marquess of
Chetwynd, Captain
Clayton, Sir W. R.
Codrington, C.
Corbett, T.
Crawford, W. S.
Crawley, S.
Crewe, Sir G.
Curteis, H. B.
Dare, H.
Darlington, Earl of
Dillwyn, L. W.
Dugdale, W. S.
Duncombe, Hon. W.
Dundas, R.
Dykes, F. L. B.
Eastnor, Viscount
Eaton, R. J.
Edwards, Col. J.
Elwes, J. P.
Fellowes, Hon. N.
Ferguson, G.
Fielden, J.
Finch, G.
Finn, W. F.
Folkes, Sir W.
Forbes, W.
Gore, W. O.
Greisley, Sir R.
Grimston, Hon. E. H.
Hallyburton, D. G.
Handley, H.
Hanmer, Col. H.
Hanmer, Sir J.
Harland, W. C.
Hawkes, T.
Heathcote, R. E.
Hector, C.
Henniker, Lord
Hindley, C.
Holland, E.
Holdsworth, T.
Irton, S.
Jones, W.
Kelly, F.
Knight, G.
Locke, W.
Long, W.
Lewis, D.
Manners, Lord R.
Maxwell, J.
M'Cance, J.
M'Lean, D.
Miles, W.
Neeld, J.
Norreys, Lord
O'Connell, D.
Owen, H.
Palmer, R.
Parrott, J.
Pease, J.
Pelham, J. C.
Pelham, Hon. C. A.
Pigot, R.
Phillipps, C. M.
Plumptre, J.
Poulter, J. S.
Praed, J. B.
Price, S. G.
Pryme, G.
Pusey, P.
Richards, J.
Rickford, W.
Rushbrook, R.
Ruthven, E.
Sanderson, R.
Scott, Sir E.
Scourfield, W. H.
Sheldon, E.
Sibthorp, Col.
Smith, A.
Stanley, E.
Talbot, C. R. M.
Townley, R. G.
Trevor, Hon. A.
Tulk, C. A.
Turner, W.
Turner, T. F.
Vere, Sir C. R.
Verney, Sir H.
Wallace, R.
Walpole, Lord
Weyland, Major R.
Wilks, J.
Wilkins, W.
Williams, Sir J.
Wilmot, Sir E.
Winnington, H. J.
Wodehouse, E.
Yorke, E.
Young, Sir W. L.
Young, G. F.

TELLERS.

Cayley, E. S.
Gillon, W. D.

Paired Off.

FOR.	AGAINST.
Bulkeley, Sir R.	Ainsworth, P.
Duffield, T.	Buller, E.
Euston, Earl of	Clements, Viscount
Fitzroy, Lord C.	Denistoun, A.
Fleetwood, P. H.	Ferguson, R.
Foley, E.	Johnstone, Sir J.
Grimston, Viscount	Kerry, Earl of
Goring, H. D.	North, F.
Kemp, T. R.	Paget, Captain
Mandeville, Viscount	Poyntz, W. S.
Sanford, E. A.	Smith, J. A.
Scrope, G. P.	Stewart, Sir M. S.
Scholefield, J.	Thomson, P. B.
Sinclair, G.	Westenra, Hon. H.
	Whalley, Sir S.

HOUSE OF LORDS,

Tuesday, June 2, 1835.

MINUTES.] Petitions presented. By the Duke of RUTLAND, from several Places in Leicestershire, for Relief to the Agricultural Interest.—By the Duke of SUTHERLAND, from Golspie and Loth, for further Accommodation in Scotch Churches, and for Protection to the Church of Scotland.

FOREIGN AFFAIRS—SPAIN.] The Marquess of *Londonderry* wished to repeat the question he had put last night, and which the noble Viscount had promised this night to answer.

Viscount *Melbourne* said, that there had been one vessel repaired in the dock-yards of his Majesty. The vessel was now called the Isabella 2nd, and the repairs cost the sum of 1,943*l.*, to be defrayed by the Spanish government. There were also muskets and stores of various sorts, amounting in value to about 200,000*l.* As to the questions by whom and when these were to be paid for, he said, that these expenses were also to be defrayed by the Spanish government; but it appeared, from an instruction sent out by the noble Duke opposite, to Mr. Villiers, on the 10th of March, 1835, it had been intimated to the Spanish government, that the British Government would not press for the immediate payment of the demand.

The Duke of *Wellington* said, that the Noble Marquess had thought proper to put the questions which had been put. Had his noble Friend given notice to him, which was the ordinary Parliamentary course in these matters, and which he recommended his noble Friend to pursue in future, he should have attended in his place and given an answer to that part of the question which related to the share he had had in that transaction. It was true that it had been intimated to the Spanish government that it was not the intention of this Government to press immediately for payment.

The Marquess of *Londonderry* adhered to the opinion he had before expressed on the subject. As to the recommendation of his noble Friend, he certainly had not intimated to his noble Friend that it was his intention to put the question; he should take care, on a future occasion to do so.

Resignation of the Marquess of Wellesley.] The Marquess of *Londonderry* said, that seeing the noble Marquess (Wellesley) in his place, he wished to avail himself of the opportunity of saying a few words on a subject which had created a considerable degree of interest. He should have been satisfied to allow the matter to rest as it stood upon the last conversation, unwilling as he was to renew the subject, being as it was a matter of great delicacy, on account of its being connected with the honour of an illustrious personage; but when he saw that it had been made the subject of observations in the press—not in the low, degraded portions of the press, but in the respectable portion of it—in two papers known to be connected with the Government, he meant *The Globe* and *The Morning Chronicle*—and when he saw in them that it was represented that the illustrious personage near him (the Duke of Cumberland) had made statements or drawn inferences which were not founded in fact, he could not allow such representations as a man of honour to be passed over without giving them a complete contradiction. He had the satisfaction to state, that in consequence of what had occurred, a correspondence had taken place, and this was the position in which things now stood. The letters were now in his possession, showing that there was nothing for the illustrious Duke to unsay, and that what he had said, and what had been represented by the illustrious Duke was fully borne out. In this position he was perfectly disposed to leave the matter. These letters and documents were now in his possession; he had no wish to press the matter further, but he thought it right to the character of the illustrious Duke that it should be freed from the smallest imputation, such as that he could have represented any circumstance, or stated any matters which were not founded on positive data and well-proved facts. The correspondence was so satisfactory that it could not be disputed. He repeated that he should not press it further; but if the noble Viscount opposite was not satisfied, he might call for the correspondence, and so might the noble Marquess if he had any desire to have the matter further discussed.

Viscount *Melbourne* had no wish whatever to call for the correspondence.

The Marquess *Wellesley*: Nor have I.

Church of Ireland—Down Petition.] The Marquess of *Londonderry* said, that he had a Petition to which he wished to call the particular attention of their Lordships, for he felt the deepest interest in it. In his opinion, the present was one of the most important petitions which had ever been presented. It was one of the most essential and agreeable duties of a Member of either House of Parliament to present petitions from his fellow-subjects on great constitutional questions. It was highly gratifying to him that this petition had been placed in his hands. It was a compensation to him for any little disappointment or mortification that he might have met with in his political career, when he saw so large a body of his countrymen and townsmen place so much confidence in him. There were some strong circumstances connected with his presenting this petition, and circumstances which bore strongly on the condition of the Roman Catholics of Ireland—namely, that this petition was not presented by an Orangeman nor a party Churchman, but by a man who, from the earliest period of his political life, had been the steady friend of the Roman Catholics; so that they might see that the great body of Irish Protestants of the north had intrusted their petition to the hands of an impartial man. The petition expressed the apprehensions of the Protestants of Ireland as to the increased and the dangerous influence of certain popular leaders, and their conviction that every concession made to the Catholics would but lead them on to make fresh demands. The first and most important signature to the requisition to the High Sheriff was that of the Marquess of Downshire, who had assisted in carrying the measure in favour of the Roman Catholics; but when he found that these mischiefs were arising, and this danger coming to the Church, he stepped forward in the most manly way and said, that thus far he had gone, but that he would go no farther; and when he saw that the Protestant religion, and Protestant interests, and their Protestant homes, were struck at, he must come forward to protect them. For these reasons that noble Marquess had taken the same step as the noble Duke on the cross benches (the Duke of Richmond), and the noble Earl (the Earl of Ripon), whom he did not then see in his place, and had separated himself from the Whigs. The petition, and the conduct of the noble Marquess with respect to it, had produced a most extraordinary effect. A letter had been written to the then Lord-lieutenant, violently censuring the conduct of the noble Marquess, and calling on the Lord-lieutenant to remove him from his situation as Lord-lieutenant of the county of Down. The tone and matter of the letter were so dictatorial that it assumed completely a tone of despotism, and it asked the Lord-lieutenant the question, whether, by permitting Lord Downshire to retain an office of so much confidence, to which duties so important were attached, he and his associates were not exposing themselves to the resentment of the great mass of the people, on whom Parliamentary Reform had made them dependant, by whom the majority of the Representatives was returned, and who were, therefore, armed with full power to carry their wishes into effect—that they had not now the choice of abiding or not the consequences of this new principle in the Government, for it must influence their regulations, and from the operation of which it was not in their power to withdraw. Such were the terms of Mr. Sheil's letter to the Lord-lieutenant of Ireland. The Lord-lieutenant, notwithstanding this letter, felt the impropriety of removing the noble Marquess, and he was not removed. The next vengeance of Mr. Sheil was directed against the humble individual who now addressed them. In that matter he had been more fortunate than in the other; but for himself he must say, that the praise and condemnation of the hon. Member were alike to him. What was it that was alleged against him? That he was the orator of an Orange mob, and, therefore, unfit to be trusted with an important post in the King's service; and all this was represented of him merely for the part he humbly but conscientiously took on the subject of the maintenance of our institutions. The second signature to this petition was that of Colonel Ford. This was a matter of considerable importance; for, on a former occasion, the noble Earl, then at the head of the Government (Earl Grey) had laid much stress on the fact that Colonel Ford's name was attached to a petition, observing that Colonel Ford was a Reformer. That fact proved that even Reformers joined those who stood up for the preservation of the Establishment. Colonel Ford was one of the best landlords, and the man most looked up to in the county, and his signature, therefore, was a strong point in favour of the petition. Great efforts had been made to run down the meeting, and it had often been said, the landlords had driven their tenants to it like sheep. This was not true, and he wished to God that all Ireland could produce such an exhibition as the county of Down on that occasion. The tenantry followed their landlords willingly, and there was no such affection entertained for the landlords by the tenantry in any part of Ireland as there was in the county Down. It would be a proud day for Ireland did such affectionate feelings and attachment exist between landlords and their tenantry in other parts of Ireland, as had been shown in that county on that occasion. They had no banners, no mottos, no colours, no tunes, no exciting tunes, such as they had recourse to on a recent occasion. He wished it had been the same on an occasion of which the noble Viscount opposite had not yet given an explanation. He must take that opportunity of telling the noble Lord, that that was his sincere opinion; and he should also take the opportunity of expressing his hope that his noble Friend would use all his influence amongst the protestants of Ireland, that they might not resort to the use of banners and mottos in July next—

that they might not take a leaf out of the disgraceful book of their opponents. The violent threats of the noble Viscount opposite would not hinder them from so doing, but he trusted that the influence of his noble Friend would be powerful enough to produce such an effect. Looking at the state of Ireland generally, he could not but be surprised that the noble Viscount should allow so much influence to a certain individual. He remembered a speech made by a noble Lord then at the head of the Government, in which it was said that a noble Marquess, who had pacified India, was to go over and tranquillize Ireland. They had all formed the highest anticipations at the appointment of the noble Marquess, but the system he had pursued was not such as to produce that effect. He gave the noble Marquess credit, however, for many valuable and important improvements which had occurred during his administration. Among these were the establishment of the constabulary force and petty sessions; and had he remained there, it would have been more satisfactory to the people of Ireland than the appointment of the noble Lord who was Lord-lieutenant of Ireland. The noble Viscount had asked him a few days ago why he had not presented this petition, which had been agreed on six months since, at an earlier period. He was too frank not to tell the noble Lord that he had a motive in doing so, and that was to let Ireland and this country see what he conceived to be the most unnatural coalition between the noble Viscount and the faction which now governed Ireland. That was the object of the petition when the noble Viscount was at the head of a former Government. Part of the`object had been gained immediately after the petition was agreed to, for the noble Viscount was dethroned from his place as Minister and another was appointed in his stead. He did not present the petition during the existence of that Ministry, because he did not think that he was called on to embarrass that Government by a discussion of this sort, for he believed that that Government had given confidence to the Protestants of Ireland. If the noble Viscount doubted him in that respect. [Lord *Melbourne*: "Oh, not in the least!"] He would prove the truth of what he asserted; but when he saw the noble Viscount in office again not only with a Government as bad as before, but infinitely worse, he thought himself bound to come forward and present it. Not only did the law appointments of Ireland show the influence of that person, but he (Mr. O'Connell) spoke as if from the Treasury Bench, and said "we" will do this, and "we" will do that. It was not possible, therefore, to disconnect the noble Viscount at the head of the Government from Mr. O'Connell—they were one and the same. His Government existed on the breath of Mr. O'Connell; to-morrow, if that hon. Member pleased to desert the noble Viscount's Government, the noble Viscount must resign the Seals. The whole country knew that, if the noble Viscount did not. Did the noble Viscount recollect the King's speech in 1834, and could he reconcile his conduct to the sentiments then expressed? Let the noble Viscount look to the latter part of his Majesty's gracious speech on that occasion. His Majesty was made thus to express himself:—"To the practices which have been used to produce disaffection to the State, and mutual distrust and animosity between the people of the two countries, is chiefly to be attributed the spirit of insubordination, which though for the present in a great degree controlled by the power of the law, has been but too perceptible in many instances. To none more than to the deluded instruments of the agitation thus perniciously excited is the continuance of such a spirit productive of the most ruinous consequences; and the united and vigorous exertions of the loyal and well-affected in aid of the Government are imperiously required, to put an end to a system of excitement and violence which, while it continues, is destructive of the peace of society, and, if successful, must inevitably prove fatal to the power and safety of the United Kingdom." He would ask the noble Viscount to answer him this question—whether this passage did not refer to Mr. O'Connell? If it did, then he wished to know whether the noble Viscount had now the same opinion as at that time of Mr. O'Connell and his—he was going to say tail, but he would say Mr. O'Connell and his suite. He would not say tail, because he understood that that word was thought to be offensive, though he should have thought that he would have been proud of having a tail. He believed it was said without offence, that Lord Stanley had a tail; but as that expression was objected to, he should not use it, and he was sincerely sorry if he had used any expression that was offensive. He had chanced casually to cast his eyes over some of Mr. O'Connell's speeches; he did not often do so, but these were extraordinary speeches, and he had refreshed his memory with reading them, in order to tell the noble Viscount how that hon. Member had spoken of him with whom he was now united, and was carrying on the same Government. Mr. O'Connell had said, "In plain truth, Lord Melbourne is incompetent to the office he holds, and it is lamentable to think that the destinies of Ireland have been intrusted to such a person. Of the Marquess of Lansdowne, Mr. O'Connell had said—"His hostility to Ireland is the more active and persevering, as he is bound by every tie to entertain different sentiments towards her." Of Lord Brougham—no, he would not say one word of what Mr. O'Connell had said of that noble and learned Lord, of whose extraordinary talents the noble Viscount had not availed himself in the formation of his Government, but had rather made an *olla podrida* of the Chancellorship in a way that nobody could understand. Mr. O'Connell had not spared the noble Viscount at the head of the Woods and forests. He said "The people may despair of Lord Duncannon and the Whigs ever doing any thing in accordance with common sense. Their whole career is marked by drivelling fatuity and disgraceful folly." Such were Mr. O'Connell's opinion of the Ministry. The noble Viscount came down on the first day of the session, and told their Lordships that he had no connexion with Mr. O'Connell, and that he did not know whether that learned person was supporting him or not. But at the very moment the noble Viscount was making this assertion in this House, two writs were being moved for in another place on the appointment of the Attorney and Solicitor-General for Ireland, and Mr. O'Connell was universally declaring, that although he himself had no office under Government, yet he had the law appointments in his pocket. He (the noble Marquess) had heard and believed that all the law appointments in Ireland were under the directions of Mr. O'Connell. Noble Lords opposite might cheer, but he still believed that to be the fact. He could assure their Lordships that he had received letters from persons in Ireland, expressive of the greatest apprehension in consequence of the influence exercised by Mr. O'Connell over the Government of that country, and who declared (what was perfectly true) that the position of that Gentleman behind the scenes was more fatal to Ireland than if he had been Attorney-General. The noble Marquess then read a letter from an individual whom he described as possessing the very best information of the state of the public feeling in Ireland. The writer stated—"That since the change of Government, affairs had been materially, and for the Protestants in that country, ruinously altered; and that he saw much greater ground to fear the result of the secret influence which Mr. O'Connell possessed, and would most assuredly exercise, than he did the effects of the direct acts of the Legislature itself. Every office would be filled by his nominees. The judgment seat and the constabulary force would also be filled from his ranks. This was no exaggerated picture. The question of the forfeiture of estates was already openly discussed, and was brought more prominently before the public than it had ever yet been in the whole History of Ireland." Noble Lords might deceive themselves, but he had done nothing more than state what was the impression on the minds of a great portion of the people of Ireland. He would ask if there had not been a palpable influence exercised upon the noble Viscount at the head of his Majesty's Government by Mr. O'Connell as regarded Ireland? He would tell the noble Viscount that there had been. This was his conscientious belief, and it was this which had induced him to state so much to their Lordships as he had done. Some very severe animadversions had been made on some Members of their Lordships' House by Mr. O'Connell in another place. It happened to him (the Marquess of Londonderry) to be well acquainted with a certain event that had occurred in Ireland between a relation of his own and the hon. Member for Dublin. He was perfectly aware that as that hon. Member had taken his line, any measure of the nature of that to which he alluded was unnecessary to be pressed upon him. If the hon. Member for Dublin had clothed himself with the garb of a miserable impunity, and had placed himself in a situation which all others who ranked in society as gentlemen were separated from, those who came under the lash of his animadversions must bear it as they could and must let it pass as the idle wind which they regard not. The hon. Member for Dublin not only attacked the living, but those who were gone equally fell under the wanton lash of that person. He (the noble Marquess) did not allude to what had been said of a lamented relative of his own, but the other day Mr. Alexander's name was most wantonly brought forward by Mr. O'Connell. If that hon. Gentleman, when using that great magical word Reform, would endeavour to reform himself a little, it would not only be more beneficial to Ireland, but to himself, for he and all Irishmen would then respect the hon. Member for Dublin much more than at present. The hon. Member would fill a far higher place in his country's esteem. The noble Marquess concluded by presenting the petition.

Viscount *Melbourne:* My Lords, the observations which have been made by the noble Earl will not render it necessary for me to trouble your Lordships at any great length. From the beginning of the noble Lord's speech, I was in hopes of being able to bear testimony to the great prudence and discretion which he manifested, but in the conclusion of it he relapsed into his usual strain, and certainly indulged in language not characterized by that wisdom which marked the commencement of it. I apprehend that the petition is the expression of the sentiments of the people by whom it was voted, at the time at which, and in the circumstances under which, it was voted, and that undoubtedly it should have been presented to the persons to whom it was addressed by that body, at least at the first convenient opportunity after it had been so agreed upon by that meeting. Now, my Lords, when was this petition adopted? It was agreed upon on the 31st of last October, and the noble Lord presents it now on the 2nd day of June, at a period at least of three months after your Lordships have been sitting. I beg leave to say, my Lords, that in other hands than those of the noble Marquess, and at other times, a petition of this sort might be made subservient to party views and party projects. It might be kept in the pocket of the individual to whom it was committed, during the time that a Ministry was in power to whom it was not suited to present it; and it might be brought forward again, and that with great pomp and ostentation, at a moment when other Ministers were in power, upon whom it might be thought more effectually to operate. But the noble Lord had said, that he did not think it worth while to present it to your Lordships at an earlier period. Why, whose petition is it, pray? Is it the petition of the noble Lord, I ask, or is it that of the meeting from which it purports to come? Did the noble Lord receive a discretionary power to present it or to detain it, according to his pleasure? Who gave him, I should like to know, any control or command over the presentation of that petition whatsoever? Was it not his duty then, to be directed by that meeting what to do? My Lords, as soon as that meeting was dispersed, it was gone—it was *functus officio;* and it could not afterwards change the direction already given as to the time of its presentation. Whatever private intimation the noble Lord might have had, he had no right to do otherwise than fulfil the directions given by that meeting. We do not know now, my Lords, that this petition, under the present altered circumstances of the Government and the country, is expressive of the real opinions of the persons who originally agreed to it. We may presume that it is so; but I say we do not know that the petition expresses their opinion at present. Why, then, I own I should have been much better satisfied if the noble Lord had persevered in the prudent course he has followed for the last three months, and had abstained from presenting the petition at all to this House; for it does compel me to do what I otherwise should not have done, namely, to go a little into the circumstances connected with the getting up of that petition. Undoubtedly the meeting at which the petition was adopted, was viewed with great anxiety by the Government of that day. It was a meeting called by the High-Sheriff, in pursuance of a requisition signed by the Lord-Lieutenant of the county, and a great number of noblemen and magistrates, who were charged to preserve the public peace; and the meeting so called was an exclusive meeting of Protestants. Now, I do not wish to use any language of bitterness and asperity, but I do put it to noble Lords on the other side of the House, whether it was consistent with the duty of those noble Lords, considering the station they held, and the responsibility with which they were charged—I put it more particularly to the noble Earl, who so lately brought a strong charge against the Irish Government respecting the late procession in Dublin, on the ground that it was exclusively a Roman Catholic assembly—whether it were wise or prudent, under the circumstances, for persons in such a station to call a meeting of that kind, and in that part of the country? Consider, my Lords, if this example had been followed—consider if, in those parts of the country where the Roman Catholic religion prevails, exclusive meetings of Roman Catholics had been called; consider, my Lords,—and I appeal more particularly to those who are so anxious not to divide that country into two distinct classes,—what a prolific source of discord and animosity that must have been! But I beg leave to observe to your Lordships that that example was not followed by the Roman Catholics; and as it has not been followed by those who are sometimes taunted for their love of outrage, I have nothing more to do than to express my strong opinion of the imprudence of the noble Lords who were the promoters of that most dangerous example. This meeting was called against the then existing Government, and against the strong and decided opinion of the then Lord-Lieutenant of Ireland—a Nobleman who has to-night received the highest meed of praise—the tribute of admiration of the noble Lord opposite—and whose opinion I much wish had had the same weight with the noble Lord on that occasion which it appears to possess at present. In all the praise which has been given to my noble Friend, I cordially concur. It is no more than, nor even so much as, he deserves. I only object a little to the time at which it has been given. I wish it had been bestowed at a period when it might have been of some service, and when it might have tended to support his government—if, indeed, it could have given any support to one of his high and eminent character. I do not, I confess, admire that practice which delays all praise to public men, until it is no longer of any service; and, I beg leave to observe, that a little earnest support to a man when in office, is worth a hundred speeches of eulogy when he has retired from it. My Lords, the noble Lord has, in the end of his speech, adverted to the present Government, both in this country and in Ireland, and has very frequently mentioned the name of an hon. and learned Gentleman, a Member of the other House of Parliament. I remember the time when the noble Earl (the Earl of Roden) told us that by the frequent mention of the name of that hon. Gentleman in this House, we gave him a power and influence in the country which he would not otherwise possess, and I always thought there was great weight in that observation. But that admonition seems to have been entirely forgotten by the noble Lords opposite, for we now rarely hear anything else from them but the name of that hon. and learned Gentleman. I can only however in reply to the accusations of the noble Marquess deny most decidedly the truth of the insinuations which have been made by the noble Marquess. With respect to the speeches and letters which have been read, it is rather for Mr. O'Connell himself than for me to reconcile how he can give support to his Majesty's Government consistently with those letters and speeches. It is not a matter, at least, on which I am called upon to speak. With respect to the legal appointments in Ireland having been influenced by Mr. O'Connell, I at once utterly and entirely deny it; more especially with regard to the appointment of the Attorney and Solicitor-General, whom the noble Lord has particularly mentioned, do I give this denial; for it so happens, that at the very period when Mr. O'Connell was writing and publishing these letters, the present Solicitor-General had his appointment, and every body knows that at that time we were extremely anxious, if we could have compassed it, to have had Mr. Sergeant Perrin in the situation which he at present holds. They were both designated then, as they are now, by their ranks and talents, both in Parliament and in their profession; and I utterly deny that they were in any respect the nominees of Mr. O'Connell, as I utterly deny all the other imputations that have been cast upon us by the noble Lord.

The Marquess of *Downshire* was understood to say, that he did not regret the step which he had taken in calling the meeting from which this petition originated. He was prepared at that time, as he was now, to abide by the consequences of it. He had supported Catholic emancipation because he deemed it a measure necessary to the tranquillity of the country. In the year 1834 he found all this expectation of benefit from that measure totally frustrated. He had in consequence, in August last, attended a meeting of Protestants in Dublin, where he had expressed the same sentiments which he was now expressing to their Lordships. He had expressed great regret that the result of that measure was not satisfactory, and had said, that the time was at last come in which it was not only incumbent, but also necessary, that all true Protestants should make a stand. He had made that stand; and, without making any boast, he would add, that he was ready to stay where he was. He considered that unless the Protestant Church Establishment in Ireland was supported with fairness, the continuance of the connexion of that country with England would be seriously endangered. As a proof of the great respectability of the meeting, he would state that though many of those who attended it had to travel thirty miles from the place of their meeting to their homes, there had not been a single breach of the peace brought before any of the magistrates of the county of Down arising out of the events of that day. He thought it right to inform their Lordships that those who differed from the petitioners in their religious creed had not offered to them any insult, either as they went to or returned from the place of meeting. They had attended without banners, and he mentioned it, to do honour to the Roman Catholics of the county of Down, that there had been no insult offered by them to any of the Protestants. He could confirm the statement of the noble Marquess as to the mutual good feeling which prevailed among the landlords and tenantry in the county of Down, which had arisen from the good conduct of the landlords on the one side, and from the conviction which experience had stamped upon the minds of the tenantry, that the landlords were most anxious to promote their happiness. He had troubled their Lordships with these few remarks because he had promoted that meeting, and was as well convinced at present, as then, that the course he had pursued was the proper one.

Viscount *Duncannon* observed, that from the speech of the noble Marquess, it was quite manifest that the country was more indebted for the preservation of the peace to the forbearance of the Catholics than it was to the prudence and discretion of those who had brought together so numerous a meeting of parties exclusively Protestant. When the noble Marquess stated, that the persons who attended this meeting had not assembled with banners, he forgot to state that they had done so in consequence of a notification issued by five Orange Magistrates to the different Orange lodges in the county of Down. [The noble Lord read the notification, which purported to come from the grand Orange lodge of that county, and desired the members of the different subordinate lodges to attend without flags, sashes, or badges] He contended from this placard, that their attendance without flags was not spontaneous, and argued that their marching without sashes and badges proved that this large Protestant meeting was as much under the direction of a particular body as the large body of Roman Catholics which had recently assembled at Dublin to meet his Majesty's representative. [" *No, no.*"] He said yes, yes—exactly the same. Their Lordships had heard a great deal lately about the manner in which those who went out to meet the Lord Lieutenant were marshalled by certain individuals. Now here was this great Protestant meeting of the county of Down evidently marshalled and arrayed by five Orange leaders, by five gentlemen, who, as they were armed with the commission of the peace, were not acting, as he conceived, very consistently with their duty as Magistrates. The noble Marquess had taken credit for the meeting, because it had broken up without any breach of the peace; and he had done it in a manner which meant to imply that no blame could attach to him for convening that meeting, inasmuch as it had not committed a breach of the peace. He contended that if there was any force in this argument, it applied also to those who had recently assembled at Dublin to meet the Lord Lieutenant, and who had been so vehemently attacked in consequence by the noble Lords opposite. There had been no breach of the peace in consequence of their assembling; and, therefore, according to the noble Lord's argument, no blame could attach to them for assembling. He concluded by expressing his conviction that the country was very much indebted to the forbearance of the Roman Catholics of the county of Down for the preservation of peace in that part of Ireland.

The Duke of *Wellington* rose in consequence of the observations which had been made by the noble Lords opposite on his noble Friend who introduced this petition to their Lordships, and on his noble Friend near him, who had called the meeting from which the petition proceeded. No one lamented more than he did the unfortunate difference of opinion which existed in Ireland upon religious subjects; but without dwelling further upon that unfortunate difference, he would proceed to recall to the attention of their Lordships the circumstances existing in Ireland when this meeting was convened. For a long time previously—at least for three or four years—there had been a total cessation of payment of all dues to the Church of one description—he meant tithes. The Clergymen of the Church of England in Ireland were suffering in consequence the utmost extremity of distress. Parliament had been prorogued without any measure having been passed to enable the Clergy to recover their tithes, and under these circumstances his noble Friend had stood forward to give them some relief—to exhibit the desire of the Protestants of his county to administer to their support, to declare their adhesion to the Protestant religion, and to petition Parliament to afford assistance to the pastors of that religion. [Lord *Melbourne*: There's nothing about tithes in the petition.] He should not recommend the Lord-lieutenant or the Custos Rotulorum to attend the public meetings of his county in general, but under the circumstances which existed at the time of this meeting, considering the state of the Protestant Church in Ireland, considering the condition in which the Tithe Question had been left at the end of the last Session of Parliament, and also considering the Measure for the future regulation of tithe which was known to be in contemplation, he thought that it was laudable in his noble Friend, the Lord-lieutenant of the county of Down, and in his noble Friend near him, to put themselves at the head of that county for the purpose of affording protection to the Protestant religion in Ireland. Their Lordships had been told that owing to the forbearance of the Roman Catholics in the county of Down, and elsewhere, this great meeting had not ended in riot, and that the hopes of his noble relative to preserve the peace had not been disappointed. Now, he believed that the real truth was, that the great bulk of the Roman Catholics as well as of the Presbyterians were as much interested as the Protestant of the Established Church in maintaining the safety of the Protestant Establishment; and therefore he could not feel such extraordinary obligations to the Roman Catholics for remaining quiet as the noble Baron professed to feel. Whatever opinion might be entertained respecting the conduct of his two noble Friends near him, it must be admitted that all the other persons who attended that meeting had a good right to attend it if they pleased, and that it would have been a breach of the public peace for any one to have endeavoured to interrupt them. He, therefore, could not think that there was any great merit in letting the parties who had been at this meeting return home without disturbance.

Earl *Fitzwilliam* requested the noble Duke who had just sat down to read the requisition upon which this meeting was convened, and afterwards to read the petition sent up to their Lordships from the meeting. The requisition called for a meeting of the Protestants of the county of Down "to consider the alarming state of their Protestant institutions in this alarming crisis of the country's fate." But the noble Duke wished the House now to believe that the main, if not the only, object of the petitioners was to take care of tithes for the benefit of the clergy. [The *Duke of Wellington*: "No, no"] No! why, was not the noble Duke's entire speech founded on the fact that tithes were no longer paid to the clergy, and that their abstraction was not only to be apprehended but had actually taken place? If this was the object, the laudable object of the petitioners,—and he should ever consider that to be a laudable object which had in view the maintenance of property—he must say that the noble Duke had read in his speech a very wholesome lesson to those Members of that House to whose vote of last year it was owing that the Protestant Clergy of Ireland were now suffering such extreme distress. For it could not be denied, no, not even by the noble Lords opposite, who cheered so loudly, that if the Irish Tithes Bill, which came up from the other House of Parliament last year, had been passed by their Lordships, those persons, for whose especial interest, according to the noble duke, this meeting was called, would not have been in the wretched situation in which they then were. The great objection to this meeting, as it appeared to him, was, that it was the meeting of a sect, of a religious sect. No one could justly blame the noble Marquis for attending a county meeting, convened to petition Parliament for the redress of grievances which were of a national kind. [*"Hear," from the Earl of Roden.*] If the noble Earl by that cheer meant to intimate that he (Earl Fitzwilliam) did not think the preservation of the Protestant church in Ireland to be a great and important object, the noble Earl greatly misunderstood him. He did think it an important object: but, as it appeared to him, the noble Earl took too sectarian a view of this subject. He thought that the preservation of the Protestant religion was a Protestant object. What he meant to say was, that it was not an object for which all the component parts of the Irish nation, for it was divided into many sects, could unite and co-operate. He must say, that his noble Friend, the Lord-lieutenant of the county of Down, had been in error, he would not say more, in countenancing a meeting of this sectarian kind. The great evil of Ireland was its division into sects; and if he had any further observation to make upon this petition it was, that it was calculated not to allay but to exasperate feelings of religious animosity.

The Duke of *Wellington* had alluded to the petition, not to the requisition, as the discussions at the meeting from which the petition emanated, had chiefly turned on the distress in which the clergy were at that time involved.

Lord *Farnham* contended, that the object of the petition was not to exasperate religious animosities, but as its words expressed, to support the connexion between the two countries, by supporting the Established Church in Ireland. He wished to remind the House, that a Tithe Bill had been brought into the House of Commons last Session, which, if it had reached that House, would have met with general approbation. But in deference to an hon. and learned Gentleman, whose name had been too often mentioned that evening, the Bill was sent up to their Lordships in an altered shape—in a shape which rendered it a Bill of pains and penalties on the clergy, instead of being a relief and benefit to them. It was, therefore, not wonderful that, when such a Bill was brought up to their Lordships at so late a period of the Session, it was impossible to concoct a new Bill, their Lordships should have thrown it out, with all its injurious and destructive clauses.

The Marquess of *Westmeath* reminded the House that Mr. O'Connell had said, in one of his speeches, that he looked upon the 25 per cent. taken from the Church by the Tithe Bill of last Session as only an instalment of the great debt due to the people. The hon. Gentleman had not said when he would demand the next instalment; but demand it, no doubt, he would. He had often heard it said, that their Lordships by rejecting the Tithe Bill of last Session, had reduced the clergy to their present state of destitution. Now his reason for voting against that Bill was, that he mistrusted the feelings and intentions of Mr. O'Connell, as he had disclosed them in his different speeches.

Lord *Hatherton* would not have risen had not the noble Lord opposite stated that the Tithe Bill, which he had introduced into the House of Commons last Session as Irish Secretary, had been altered and modified by the hon. and learned Member for Dublin. He could assure the noble Lord that he was completely in error. [Lord *Farnham:* I was speaking of the altered Bill, not of the original Bill.] It was quite clear, from what the noble Baron had just stated, that he had not mistaken the noble Baron's original observation. The fact was, that he had introduced into the House of Commons a Tithe Bill, which he believed would have passed through both Houses. He believed, however, that that Bill was of a nature which would have been resisted by nearly all the people of Ireland. He believed that the Government never could have forced upon that country an arrangement founded on the basis of that measure. What, then, was the duty of the Government? That which the Government pursued. The Government listened to the representations made to it by the Members for Irish counties, who informed them that they could never agree, and that the people would never agree, to the conversion of church property into a perpetual investment in land. The Government, therefore, abandoned the project of an investment in land, and were obliged, as a matter of course, to abandon all the arrangements connected with such an investment. The representations which induced them to arrive at that conclusion, came from the Irish county Members generally, and last of all from the hon. and learned Member for Dublin. It was true, that Mr. O'Connell was deputed to express the sentiments of those Irish Members in the House of Commons, that he submitted their views to the House in the shape of a motion, and that they then stated their acquiescence in that motion. But Mr. O'Connell was not the individual with whom those suggestions originated. He had made an error—he was told that it was the noble Member for Leitrim who divided the House on that Motion. He should regret if this petition were disposed of, without the opportunity being allowed him of entering his protest against the principle upon which the meeting at which it originated, was got up. That meeting was without parallel in the history of Ireland,—it was the meeting of the portion of a sect (he used the term as it was usually applied), convened by the High Sheriff of the county, on the same plan as some time before the county of Cavan had been assembled, and he did not believe that any other instances existed in which the mere portions of bailiwicks were so convened by the presiding officer. No less than five gentlemen, in their capacities as officers of the grand Orange Lodges in Ireland, had brought the disinterested aid of those bodies on the occasion to which he adverted, and it was with the greatest difficulty that the Irish Government saved other similar examples, the results of which might have been most sanguinary.

The Archbishop of *Canterbury* had not intended to take any part in the conversation which had arisen this evening, but he could not sit still and hear from the noble Lord who had filled the highest and most responsible office under the Lord-lieutenant of Ireland language such as he (the Archbishop) had never heard uttered before in this House, without offering a few words of dissent from that language. The noble Lord opposite (Lord Hatherton) had designated the Established Church of Ireland a Sectarian Church. It was the first time he had heard such a designation applied to the Established Church of the country, and he did think that such language was as unconstitutional as it was——

Earl *Fitzwilliam* rose to order. He trusted the most reverend Prelate would allow him to send the right reverend Prelate back to his Latin grammar and dictionary. The most reverend Prelate did not seem to understand what was the meaning of the word sect. He contended that the Church of England was just as much a sect as the Roman Catholics a sect, as the Baptists were a sect, Presbyterians of Scotland a sect, or the Unitarians a sect. [*Oh! Oh!*] "Yes," said the noble Earl, "Give me leave to tell the most reverend Prelate, learned and right reverend as he is"—[*Cries of "Spoke, spoke," "Order."*] — I have a right to explain.

The Earl of *Wicklow* rose to order amidst great confusion. If the Orders of the House were to be respected or not, he must beg leave to state that the noble Earl not having been alluded to by the most reverend Prelate, had no right to rise in explanation, or to answer observations directed to another Member of the House. The most reverend Prelate had directed his observations to what had fallen from the noble Lord on the back benches (Lord Hatherton), and not to the noble Earl (Fitzwilliam). The noble Lord (Hatherton) if he had any explanation to offer, would be justified in making it, but the noble Earl having spoken on the question and not being alluded to, had no right to rise in explanation. The noble Earl was entirely out of order in referring the most reverend Prelate back to his Latin grammar and dictionary, and was grossly out of order in maintaning his ground on the present occasion.

Lord *Hatherton*, in explanation, begged to say that it was true he had used the phrase "Sectarian," but at the same time the expression had been before used with reference to the meeting in question.

Earl *Fitzwilliam* said, that he had a right to explain what he meant by a sect, and with the permission of the noble Earl opposite (the Earl of Wicklow) he would do so. He contended that the Church of England was as much a sect as those classes of Dissenters from that Church which he had already enumerated. The Established Church, it was true, was the predominant sect, and he confessed he was surprised the most reverend Prelate should have felt himself called upon to express any regret at such a designation of the Church to which he belonged.

The Archbishop of *Canterbury* said, that every body of Christians was grammatically and etymologically a sect. The Church of England was not a sect, either in the sense of the law, or in the common acceptation of the term. He apprehended that the term "Sect" was applied in its usual theological acceptation to a body or class of persons who separated or divided themselves from that which was acknowledged to be a Church. Thus it was that the professors of the Roman Catholic faith were not designated a sect because they formed a Church. The Church of England was not a sect, because it was the Established Church of the country, and on the same grounds the Presbyterian Church of Scotland was not a sect. But when the noble Earl talked of Unitarians as not being a sect, he (the Archbishop of Canterbury) wished to be informed when they had ever been otherwise so considered. In the ordinary and every sense of the word they were sectarians.

The Earl of *Roden* denied that the term "Sectarian" justly applied to the meeting held in the county of Down in the month of October last. It was impossible for him to allow the present discussion to pass without for a very short time claiming the indulgence of the House while he repelled the insinuations which had been thrown out, and to answer a charge not founded in justice, but brought against the glorious meeting of the Protestants of Ulster, held at Hillsborough on the 30th of October in the last year. That there existed strong reasons for that meeting he thought there could be now no question. Those reasons were their anxiety to preserve the Protestant Religion as established in Ireland, and to hand it down to their children, and to afford security to life and property in that country. In the latter part of the last Session of Parliament a Bill had been introduced into the other House of Parliament, the provisions of which went to transfer from the Established Church of Ireland any surplus revenues that might remain after its wants were supplied, to the purposes of the Roman Catholic. The Protestants met at Hillsborough in order to protest against a proceeding so unjust as this measure. It had been said, that the peace which had been so well preserved was attributable to the Roman Catholics, and not to the Protestants. This he denied, for the Roman Catholics had then no reason to be dissatisfied—they had no grounds for expressing their dissatisfaction by public meetings; but then they had everything their own way with a Government carrying forward their purposes and their ends—purposes and ends which went to the destruction of the Protestant religion in Ireland. Such were the feelings which the Protestants of Ireland then and now entertained, and they would have been wanting in their duty to their country and themselves if they had not, under such circumstances, legally and constitutionally given expression to their sentiments. Having himself attended that meeting, he could bear his testimony to the extreme regularity and good conduct of the people who were present, and he could further state that not an instance occurred of any attempt to commit a breach of the public peace, except one which resulted from the meeting with the noble Lord opposite, but which was happily settled and conciliated and the meeting passed off without any evil effects arising from it. The noble Lord opposite (Duncannon) had accused the Orange leaders in the county of Down with having issued their edict to the bodies over which they presided, in order to prevent those persons from attending the meeting with their banners. It was somewhat difficult to know how to please the Government; if the Protestants came with colours, prosecutions would be instituted and the parties offending brought to trial, and it was also to be held a crime to prevent such an illegal display. He (the Earl of Roden) was sure that the House would concur with him in thinking that the meeting in question was perfectly justifiable. Much had been said of party distinctions in Ireland as being most injurious to the peace and harmony of the community: but he would inquire who it was that commenced these party distinctions? Who was it that issued a commission of inquiry calculated to increase and embitter the distinctions of party existing in that country? Who was it but that very party, the parents of that measure, who now came forward and charged the Protestants of the north of Ireland with an endeavour, by the meeting in question, to make the distinctions of party still wider than before? It was the Government itself which had set the example, by sending forth a commission for taking down the number of the Protestant and of the Roman Catholic population, and on their heads must be the blame, if any could attach, of the meeting of the 30th of October last. He should be glad to know whether the Protestants of Ireland were to remain passive when they saw an individual whose name the noble Lord at the head of the Government had avoided to mention in that House—an individual, who was the head of the opposing party, had become the friend and supporter of the Government—the adviser of the Administration—by whom his suggestions were adopted, and his party put into power? He (the Earl of Roden) should be glad to know, whether, under such circumstances, the Protestants of Ireland had not reason to be alarmed, and whether they would not act a most degraded part if they had not come forward to state their determination to support those principles which were dearer to them than their lives, and to preserve that religion which had been handed to them by their forefathers. Such were the feelings of the Protestants of Ireland, and he could tell the noble Viscount that he knew little of their opinions if he thought to frighten them away from that which they conceived to be correct and right. With respect to the meeting itself, there were many circumstances to which he could refer in proof of the orderly manner in which it was conducted. It was superfluous to do so, and he would content himself with stating a further justification of the grounds for the meeting. He need hardly state (for it must be already known to their Lordships) that a system of exclusive dealing had been introduced by the Roman Catholic party into that country, and the Protestant Proprietors of shops, in whatever line of business they might be, had been completely destroyed in consequence. The same system prevailed also in the county of Wexford, a county with which the noble Earl opposite (Fitzwilliam) was extensively connected; and he (the Earl of Roden) had made it his business to visit every house which had come within the ruin consequent upon the system which was practised against every man who had voted in favour of the party opposed to the popular candidates at the last election for that county. With these additional facts before them, could it then be otherwise than that the Protestants should be alarmed? The meeting at Hillsborough had been described by a noble Lord as an exclusive meeting. Such was, however, not the case, for there were present persons professing liberal opinions, as well as others not connected with the Church Establishment. Colonel Ford had long been connected with the county, and was known for his liberality, and Dr. Cooke, of Belfast, the late moderator of the Synod of Ulster—a Christian pastor, who had long laboured in the vineyard of his Master—not a man living on tithes, but a valuable minister of the Presbyterian Church were present at the meeting. [The noble Earl here read extracts from the speeches of these individuals. The extract from the speech of Dr. Cooke concluded by stating that "the time for silence on the part of the Protestants had passed, and the time to speak out had arrived."] He must particularly call on their Lordships to attend to what Dr. Cooke had said, because that gentleman felt that his religion and the revenues of the Church were in danger. The opinions of these gentlemen proved that such meeting was not held for party objects—was not congregated to serve, or support any Administration; and for himself, he (the Earl of Roden) could declare that it would signify not to him who sat on the benches opposite, or what Administration might be in power, but he should, whenever he saw a Government place the Protestants in such a position, feel it his duty to act as he had done, and in the same manner as had directed his course in October last. It was his duty as a magistrate, and equally his desire as a subject of the Crown to prevent, as much as in him lay, the processions on the 12th of July next, which had been alluded to; for though the noble Lord opposite had left the country in doubt whether or not such processions with party banners were illegal, he should be most anxious to prevent such an exhibition, if illegal, and thereby show that the Orangmen of Ireland would manifest a loyal affection for the laws of the land and not transgress that which it was their duty to support and maintain. A noble Lord opposite had drawn a comparison between the procession of which the Earl of Mulgrave was the idol the other day and the meeting in October last in the county of Down, and it had been said that one was as illegal as the other. What was the difference, however, between these two exhibitions? At the one—the honours to the Earl of Mulgrave—banners were displayed of a character forbidden by act of Parliament; and at the other—the meeting at Hillsborough—no banners appeared. The Protestants who had assembled on that last-mentioned occasion had but one object in view—namely, the support of the Protestant religion of the country as by law established, and to oppose a system of education, the ill effects of which had produced most calamitous circumstances, and to which he should call the attention of the House as soon as the returns moved for by him were laid upon the Table. He lamented to say, that such meetings were rendered necessary by the individuals who were now ruling Ireland, and by the Governors of that country still behind the scene, whose influence there, on account of the prevailing superstition, made the people an easy prey to their machinations, and whose object was the separation of the countries, and the dismemberment of England and Ireland by a repeal of the Legislative Union. A system of organization and combination prevailed in Ireland, running by communication throughout the whole of the country, which he believed had for their object and end the destruction of Protestant property, of Protestant life, and of the Protestant religion of that land. Such was his deliberate judgment, and he should not be an honest man if he refused to declare it to the House, and to take such legal and constitutional measures as were within his reach, in order to avert calamities such as he now foresaw impending over his country.

The Earl of *Haddington* said, at the late hour of the evening which had now arrived, he should not detain their Lordships many moments. He did not seek to enter into a warm discussion of the topics and points which had been introduced into the conversation, he wished merely to advert to a point which had been slightly referred to by the noble Marquess who opened the Debate, and by the noble Earl who had just sat down. He alluded to the appeal which had been made to the noble Earl near him (the Earl of Roden), that he would use his influence with the Protestants of Ireland to endeavour to prevent any of those displays of an illegal character which might tend to create tumult, confusion, and disturbance. Before he had left Ireland on the very last public occasion which was afforded him of addressing any words to his fellow-subjects in that country, he had ventured to offer his humble advice to the Protestants of Ireland to allow nothing to tempt them to violate the law. He trusted that, considering the situation which he had lately filled in Ireland, he might be permitted here again to offer them the same advice, and he would join the noble Marquess in his appeal to the noble Earl (the Earl of Roden) to exercise that influence which he possessed over not only the Protestants, but all sects and parties in Ireland. No individual could exercise that influence more beneficially than the noble Earl. He hoped the Protestants would remember that there were no means by which they could place themselves in the hands of their worst enemies so completely as by violating the law, and coming into inevitable and unnecessary conflict with the Government of the country. That the Protestants had very strong feelings at the present moment was not to be denied, but their sincere attachment was to the institutions, sacred and civil, of their country. He would remind them that there was nothing by which they could so deeply injure those institutions, sacred and civil, as by making displays calculated by their character to lead to turbulence and disorder. In stating thus much to them, he begged to say the advice came from one as devotedly attached as themselves to the connexion between the two countries, and the sacred and civil institutions of both, and he trusted the noble Earl, and those who concurred with him would, in consideration of the office he (the Earl of Haddington) had lately filled, forgive him for offering this word of advice.

The Earl of *Gosford* said, that he could solemnly declare, that many Protestants were not only opposed to the meeting at Hillsborough, but had expressed to him the evil consequences which they anticipated would result from such an assemblage. He knew also, that excitement and irritation had been the consequence of that meeting, and that between many persons formerly living in harmony and goodwill with each other, an immediate change had followed that transaction. With respect to the meeting itself, he had been informed, upon the authority of individuals long acquainted with the county of Down, that the greatest possible compulsion had been used to collect great bodies for that meeting; that labourers had been paid three days' wages to attend it; and agents and bailiffs had been employed to congregate unwilling tenants on the occasion. Thus it was, that the meeting was resorted to in such numbers. It should not be forgotten, also, that the meeting was held in the extreme end of the county of Down, verging upon the counties of Antrim and Armagh, the very spot where the greatest number of Orangemen lived. He could further state that many respectable inhabitants of the town of Hillsborough, when they saw the orders issued to the Orange Lodges, declined attending, and protested against the meeting, assigning at the same time the cause of their protest. The feeling against the Tithe Bill of last year was not general in Ireland, and the attempt to get up a similar meeting in the county with which he was connected, was rejected by a great body of the magistracy of the county.

The Marquess of *Londonderry* said, with regard to the assertions of the noble Earl (Gosford) as to the tenantry of Down being paid for their attendance, he knew little of that body of men to make such a declaration. He defied the noble Earl to the proof, or to name a single instance where it occurred. Possibly the noble Lord (Hatherton, late Secretary for Ireland), who had visited, in former days, his (Lord Londonderry's) tenantry in Ireland, would give him his sentiments of the description of that invaluable class of tenantry of which the landlords of Ireland had to boast, and would prove they were above such suspicion. With respect to the remarks of the noble Viscount (Melbourne) in reply to them, he must remark, first, that the main argument of the noble Viscount rested on his having kept the petition so long in his possession, and by what authority he had done so? He begged to observe that a noble and learned Lord (Brougham) on a former evening, had stated distinctly his opinion, that when any petition was placed in the hands of an individual, it was for that person to use his discretion as to the period of its presentation, and if the noble Viscount doubted that the feelings of the petitioners were now in accordance with what they were in October last, the noble Viscount should have another petition of a similar import in a very short time. The noble Viscount had then been pleased to make rather a personal allusion to his political wisdom. He would not presume to put it in competition with that of the noble Viscount opposite; but he would say, that he was not so wise as to undertake an administration founded on the basis of robbing the Protestant Church of Ireland by appropriating its surplus revenues to general purposes of education. He was not so wise as to undertake a government, whose existence depended on a radical and factious body in Ireland. And, finally, he was not so wise as to become a minister upon the resignation of one of the greatest statesmen this country has ever seen, who received on his retirement the unanimous applause, and urgent entreaty to remain in office conveyed in more than a thousand addresses bearing millions of signatures. To such wisdom he was not yet arrived. He could not wish the noble Viscount joy of his position—nor could he ever believe it would end in anything more than his entire discomfiture.

Petition laid on the table.

ISLINGTON MARKET.] Lord *Brougham* rose to present two petitions of great importance, not on the subject which had occupied their Lordships so many hours, and from a continuance of which he had no doubt their Lordships were not disinclined to escape. The first petition was signed by a right rev. Prelate, their Honours the Master of the Rolls and the Vice-Chancellor, his Majesty's Solicitor-General, about two dozen King's Counsel, all the Masters in Chancery, a great many Judges, barristers, and respectable solicitors of Lincoln's Inn and the other Inns of Court. The petition complained of the present state of the markets in the metropolis, and was in favour of the present Bill. The other petition was from equally respectable individuals, but was of a different description—against the Bill. It was signed by many graziers of great respectability in the county of Gloucester. He (Lord Brougham) should not take upon himself to say whether the Master of the Rolls, the Vice-Chancellor, or the graziers were in the right on the subject, which was of too critical a nature for his unenlightened and uneducated opinion.—He was not acquainted with the subject, except in a different shape, but he begged to present both petitions to their Lordships.

The Marquess of *Salisbury* moved the second reading of the Bill. He should only make one observation, and that was on a statement that had been handed about, for the purpose of proving that the public would suffer by the establishment of the New Islington Market. The tolls, it was said, would be higher than at Smithfield. Such statement was incorrect and certainly somewhat singular, coming out of the mouths of those who would be benefitted by the tolls being higher at Islington than at Smithfield.

The Duke of *Richmond* said, that he would not take upon himself to say whether or not the statement in question was correct. He had an opposite statement to which he should call the attention of their Lordships. He considered the present a bad time to be making experiments on agricultural distress. He could inform the House of the opinion entertained respecting this Bill by a noble Earl, who, although their Lordships might not agree as to his being the best Chancellor of the Exchequer in the world, they would all admit to be opposed to everything like monopoly and to be the advocate of free trade. He alluded to Earl Spencer, whose opinion upon such a subject as the present their Lordships would be as much disposed to respect as he was sure they respected him personally. He had received a letter from that noble Earl, who was at present out of town, expressing himself strongly against the Bill. In that letter the noble Earl stated that if he (the Duke of Richmond) should succeed in throwing out the Bill he would confer a great service not only on the consumer, but on the grazier and the other agricultural interests connected with Smithfield market. He (the Duke of Richmond) felt satisfied that this Bill could not have been properly attended to in the House of Commons, or the powers that were given under it to the owners of the market would never have been conferred on any individuals. It gave the owners the power to make bye laws, and the Magistrates of the county were compelled to sanction those bye laws. Such power, he believed, was never given by any Bill of the kind before, and he was sure they ought not to be conferred in this instance. As to the immorality of Smithfield, that had been so much dwelt on, surely every body knew that there must be more or less immorality where there were a number of drovers. He confessed, he could not consent to grant such tremendous powers as were given by this Bill to the owners of the Islington market, and should oppose the second reading.

Earl *Suffield* said that the noble Duke could only allege, in opposition to the Bill, the opinion of a noble Earl who was at present in Northamptonshire, and whose opinion he (Earl Suffield) had no doubt was formed on the gross misrepresentations that were so industriously sent abroad as to this Bill. No man could respect the character of the noble Earl (Spencer), both as a good statesman and an excellent farmer, more than he did; but he conceived that anybody else might be just as good a judge of a nuisance at Smithfield as that noble Earl. The fact of a monopoly and a nuisance at Smithfield were undoubted, and their removal had been long and loudly called for by numbers far exceeding those who opposed the present Bill. Upwards of 10,000 graziers and others of that interest had petitioned the House of Commons in favour of this Bill, and it was too much therefore, to say that Smithfield was not complained of. As to the regulation of tolls, the House had the power of fixing what those tolls should be in Committee and he therefore hoped the Bill would not be opposed upon this ground.

Lord *Alvanley* said that more arbitrary powers were never given by any Legislative Measure than by the present Bill.—It empowered Mr. Perkins, the owner of the Market, to summon a jury, and value any property he pleased for the use of the Market, and if the sum awarded by the Jury did not exceed the sum offered to the owner, then each party was to pay half the expense. This he considered a most unprecedented power to place in the hands of any individual, and he should therefore move that the Bill be read a second time that day six months.

The Marquis of *Salisbury* said, that he hoped the Bill would be suffered to go into Committee, as that would be the best opportunity of judging of its details.

Their Lordships divided: Contents 30; Not-Contents, 1; Majority, 29.

The Bill read a second time.

HOUSE OF COMMONS,

Tuesday, June 2, 1835.

Minutes. Petitions presented. By Mr. Sergeant Jackson, from the Solicitors and Attornies of Ireland, for the Repeal of the Landed Securities (Ireland) Act.—By Colonel Evans, from the Westminster Court of Requests.—By Sir William Follett, from Exeter, and by Mr. Grimstone, from St. Alban's, against the Imprisonment for Debt Bill.—By Mr. Sergeant Jackson, from four Places, for the Better Observance of the Lord's Day.—By Colonel Bolton Clive, from Hereford, for the Suppression of Drunkenness; from St. Peter's, Hereford, for making the Owners instead of Occupiers of small Tenements pay Parochial Rates.—By Mr. William Roche, from Limerick, for the Reduction of the Duty on Glass.—By Mr. A. Trevor, from Hartlepool, for Protection to the Protestant Church of Ireland.—By Mr. Angerstein, from Greenwich, for the Remission of the Sentence on the Dorchester Labourers.—By Mr. Grimston, from the Licensed Victuallers of Tring, Wilstone, and other Places, for the Repeal of the Additional Duty.—By Lord Brudenell, from three Places, for Protection to the Agricultural Interest.

Petitions for the Irish Church.] Mr. Arthur Trevor presented a Petition from Durham in favour of the Irish Church.

Mr. *Pease* took the opportunity of saying, that not wishing to hold his seat in the House, in opposition to the opinions of the majority of his constituents, he had been most anxious to ascertain under what circumstances the petition presented the other night, by the hon. Member from Durham, in which some Members of that House were charged with perjury, and a majority of it with high treason, had been got up. With a view, therefore, of ascertaining the real feelings of his constituents on the subject, he had written to them, and had received an answer which he would now read. The answer stated that the petition had been got up in a " a very sly way," principally by the clergy; that it had been carried from house to house for signatures, and that half of those who put their names to it, were now ready to subscribe a counter petition. He (Mr. Pease) had produced this letter in order to exonerate himself, as he was convinced that a majority of the electors were anxious for the appropriation clause, on the ground that it was absolutely necessary for the peace of Ireland.

Mr. *Arthur Trevor* felt called upon to make one remark. It was asserted that the petition had been got up through the instrumentality of the clergy, and he did not pretend to deny it; but he was bound to add, that he had been given distinctly to understand, that not a single individual who affixed his name to the petition, was ignorant of the nature of it. It was also fit for him to observe, that as far as his information extended, there was a strong feeling regarding the appropriation clause throughout the county of Durham. He had been furnished with ten other petitions against it from the Northern Division of Durham, but he should not present them until he saw one or other of the hon. Members for that part of the county in his place. He was not desirous of proceeding in any underhand way, and courted the observation of any party.

Petition laid on the Table.

Several Petitions were presented by Viscount Ebrington, Colonel Evans, and Mr. E. Lytton Bulwer, and other Members in favor of the Vote by Ballot.

THE BALLOT.] Mr. *Grote* then rose and said—" In accordance with the prayer of these and other Petitions, I rise to lay before you the Motion of which I have given notice respecting the mode of taking votes at the election of Members of Parliament. I mean to propose a Resolution to the effect that votes shall henceforward be taken by way of Secret Ballot, and I shall set forth the reasons which induce me to make this proposition as briefly and as intelligibly as I can. It may be in the recollection of the House that I made a similar Motion in the last Parliament, during the Session of 1833, and as my speech was afterwards published, the arguments which I employed on that occasion are on record and before the world. It will be difficult for me to avoid treading over again the same ground and repeating the same sentiments, but I shall do my best to conquer this impediment without abandoning those solid and unalterable arguments on which the Question must finally be determined. It was my intention to have brought this Motion forward at an earlier period, and with this view I gave notice on the first day of the present Session of a Motion for the 2nd of April. Before that day arrived the hon. Baronet, the Member for Devonport, moved for the appointment of a Committee to inquire into the best means of preventing bribery and intimidation; and in making that Motion, while he expressed his strong sense of the evils now prevalent under those two heads, he at the same time intimated his hope that some other adequate remedies might be provided without having recourse to the Ballot. Although I was then of opinion, and had long been of opinion, that no other remedy except the Ballot was at all adequate to the exigency of the case, yet I thought it my duty to postpone my Motion for a certain time, in order to see whether there was any likelihood of an effective substitute being provided. Of the bill brought in by the hon. Member for Shaftesbury, for inflicting penalties for the intimidation of voters, I shall speak presently, but nothing has occurred during this interval, either in that Committee or out of it, to create in me the smallest belief in the possibility of any such substitute. Feeling as I do still a deep and unaltered conviction that the Ballot is the only complete antidote against evils of great magnitude and urgency, I cannot consent to let the present Session pass without submitting the subject to public discussions more especially as some recent occurrences, have brought it impressively into notice. I anticipate little difference of opinion as to the importance of the Question. Every thing connected with the elective franchise, the primary source and security of all popular rights, is an object of first-rate moment. The perfect arrangement and protection of that franchise deserves our most careful attention, and if there are any defects in either of these points, as matters stand at present, this House ought not to rest until it has removed them. I am as ready as any man to acknowledge the great and signal improvement wrought by the Reform Act, and to add my humble voice to the chorus of praise and gratitude which that measure has called forth from my countrymen. But when Gentlemen tell me that it has purged our representative system of all and singular pre-existing defects — that it has placed elections on a footing pure, unexceptionable, and incapable of any further improvement —when Gentlemen tell me this, I dispute the position altogether. It will, I am sure, be in the recollection of the House that there were some very important points appertaining essentially to the perfection of a representative system, which the Reform Act left altogether unnoticed. The noble Lord (now Member for Stroud) who first introduced the Reform Bill to the House, in his Speech of March 1, 1831, expressly said that, in proposing the Bill, it was not his intention to approach either the Question respecting the best mode of taking votes, whether by open or secret suffrage, or the Question respecting the duration of Parliaments. Therefore, however Gentlemen may argue that the Reform Bill is a final and conclusive measure as to the extent or distribution of the elective franchise —a point on which I do not now wish to touch—still they cannot with any colour of reason pretend that it is final as to topics which the mover expressly put aside, and which were hardly once glanced at during the whole length of the discussion. I contend that the Reform Act neither settled, nor undertook to settle, whether secret suffrage is better or worse than open suffrage; nor do I, in mooting this point, either overstep the limits or overrule the authority of that instrument. But although my proposal is thus independent of the Reform Act, it tends to the same result, and is in perfect harmony with the generous spirit and purposes of that measure in substituting representation in place ofnomination. I will add, that it is not at all less important, for a bad manner of taking votes may be just as noxious as a bad qualification or distribution of voters. Having thus endeavoured to show that the most sincere respect and admiration for the Reform Act need not preclude you from entertaining this Question, I proceed to inquire what are the reasons for objecting to open voting, and for preferring the Vote by Ballot. I assume that in conferring upon any man the title and functions of elector, you really intend to invest him with a substantive and independent character; you deal with him as a voluntary and intelligent agent, capable of discharging an office of trust; you place in his hands an important right, which he is to exercise according to his own free conscience, and according to his own best judgment. The law can mean nothing else when it provides and prescribes that electors shall deliver their suffrages "freely and indifferently." You wish to obtain the sincere determination of the voter as to the man whom he chooses for a representative —his sincere determination, at all events, his rational determination, if it be possible. His vote, in order to correspond with the intention of the law, must be the offspring of an unconstrained will, and the expression of his own genuine sentiment. The contrary of this would be a supposition which, whether there be many or few who really hold it in their hearts, few at least will be found to vindicate openly; for it would imply that a voter, though nominally invested with the franchise, is intended only as the passive tool and mouthpiece of another man's commands; it would imply that Parliament, while pretending to bestow a vote upon him, designs, in fact, to bestow underhand a second vote upon somebody else, and that the subordinate voter is thus invested with a trust, the very essence of which consists in a stimulated choice at the hustings. If there be persons who really think that the law intends to play this trick with voters, the sooner it is proclaimed the better, in order that voters may understand the real value of the privilege conferred upon them, and the exact duty which they are required to fulfil. If this be what is really meant by a vote, in justice and in mercy say so; do not entice men of honour and conscience to meddle with so disgraceful a privilege. But I anticipate that any such meaning as this will be generally disavowed. It will be admitted on all hands that the free and indifferent suffrage of the voter, in the plain sense of the words, is the object sought to be obtained whenever a vote is conferred—in other words, the sincere, genuine, determination of the voter, without purchase and without coercion; and if such be indeed the purpose, I entreat you to consider whether it will not be more surely, as well as more easily attained, by voting in secret than by voting in public. Compare calmly the two sides of the alternative, and you will see that there is every reason for declining the open method of voting,—every reason for preferring the secret method. When a man gives his vote in secret, you are perfectly sure to eliminate all constraint—to give full play to his inward thoughts and feelings—to obtain his free, genuine, undissembled determination; of this you cannot be disappointed. The voter may form a wrong judgment—he may be deceived by wrong information, or led astray by unwise reasoning—he may follow blindly emotions of friendship or of antipathy; all or any of these causes may vitiate his last determination, and render it inconsistent with sound and far-sighted reason, but such as the determination is, so it emerges and manifests itself at the poll, provided only the votes be taken secretly. I think that no man who reflects for a moment can dispute what is here advanced. Under secret voting, you are as well assured of bringing out the real and genuine choice of the voter as if you could look into his heart; but are you equally sure of bringing out his real and genuine choice if you require his vote to be given openly? Quite the reverse. A voter's tongue is not necessarily the interpreter of his real mind; it is but too often the slave of his paramount hopes and fears. Whatever may be his real choice, he may have a thousand motives for delivering the contrary at an open polling-place. He may make it the means of conciliating favour or averting enmity. He may be overborne by the solicitations of a friend, or intimidated by the threats of a superior. His vote cannot fail to offend the party whom it contributes to defeat, nor to gratify those whom it assists; his comfort, his station in life, his family tranquillity, may all depend upon his keeping well with one or the other. And who will deny that under these circumstances he will be strongly tempted to give a vote foreign to his heart and conscience? You create under open voting a perpetual and distressing conflict in the mind of an honest elector, between his country and his conscience on one side, and private hopes and fears on the other, Such a conflict, let it end how it may, is evil enough in itself; but when we recollect that it ends in keeping electors out of the register, in deterring them from coming to the poll, and often in overpowering their free choice when they do come there—when we recollect that it thus gives you members not emanating from the spontaneous choice and confidence of the people—sum up this accumulated evil, and it will appear to be of the greatest and most serious magnitude. Now, mischiefs like these are the natural consequence of that publicity of the suffrage which enables intermeddlers from without to work on the hopes and fears of individual electors: they are so in every state of society, but they are infinitely multiplied and exaggerated in a country like this, marked by the greatest inequalities of wealth and station. They are abundantly exemplified in all their shapes in the elections of this kingdom at present; and the traces of them are as well known as they are painfully felt. I might confidently say that there has scarce ever been any remedial measure, on any subject, passed in this House, in which the evil to be remedied was more extensively notorious than it is in the case which I am now submitting to you. The public complaints made to this House in the form of petitions have been neither few nor inconsiderable; and I cannot be surprised that they are not more numerous, when I recollect that the same overpowering influence which controls an elector's vote also deters him from complaining. But, independent of all petitions, I believe I might appeal to nine men out of ten of those who have been active in contested elections, for a confirmation of the truth of my assertion, especially among those who have the misfortune to find themselves opposed to the wishes of the rich and of the great. Sure I am that the newspapers in town and country, during all the course of the last general election (whatever might be their general politics, whether Whig, Tory, or Radical), all abounded with comments and protestations on the subject of undue influence. There was scarcely a single case, amongst the many hotly contested elections, in which this potent weapon was not sorely felt and loudly complained of. Sure I am that in any private conversation without these walls, be the persons concerned whom they may, practices of this sort would be alluded to as the ordinary course of nature, as among the physical laws, if I may so express it, of the electioneering word. Suppose two men speculating or betting on the result of the pending contest in Yorkshire, or Devonshire, or Staffordshire, does any one doubt that in calculating the probable result and determining the odds, the operation of extraneous influences over the hopes and fears of voters would be reckoned upon with perfect confidence and certainty, as one mighty element among the complex forces on which the issue would depend? Does any one doubt that the odds would immediately alter, if great landlords were unexpectedly to declare that they would prohibit every hint or whisper of command or compulsion over the minds of their tenantry? The sway of landlords over their tenants, and of customers over their tradesmen, of manufacturers over their operatives, is assumed as part and parcel of a man's electioneering strength, or of what is technically called his interest; and if a man voluntarily refrains from availing himself of it, he seems like one who foregoes the use of a natural and ordinary weapon. Sometimes a landlord does publicly notify to his tenants that he does not mean to interfere with their votes—a generous and becoming proceeding, which I could wish to see oftener, but it is an edict of manumission which would appear both preposterous and insulting, if the pre-existing dependence were not felt and understood by all parties. It is but too well known to canvassers, how often in the course of their visits they hear from voters sincere and earnest expressions of goodwill to a cause, coupled with the humiliating avowal of overruling influence, which prevents them from supporting it. It is but too well known how often, in the answer of a voter, "I dare not," waits upon "I would;" how many voters there are who manifest their uncomfortable tenure of an unprotected privilege, either by absolutely declining to vote at all, or by keeping back their votes until a case of the strongest necessity arises to save the cause which they espouse from being defeated; and the cases which have occurred within my own knowledge and inquiries, not to take a wider range, of tradesmen whose custom and position in life have grievously suffered from conscientious voting — those cases alone would suffice to convince me how sad and hazardous is the path of strict conscience, how overwhelming the temptation to desert it. I could multiply evidences of this sort of the prevalence of that undue influence over electors to which I have been alluding, and I should so multiply them if I were describing to a stranger in a foreign country the internal working of an English election; but, speaking as I am to an assembly of English Gentlemen, the irksome conviction forces itself upon me that I am dwelling upon what is trite and familiar, and that I might as well labour to prove by evidence the existence of poverty, or of drunkenness, and other immoralities in this vast metropolis—evils about which Gentlemen may differ and dispute as to the more or the less, but the existence of which, and that to a fearful extent, no man in his senses can possibly question. To quote authorities in a matter like this is wholly unnecessary, but I may just mention that more than one Member of the present Cabinet has publicly recognized the existence of those evil influences to which I am now adverting. Lord Palmerston, in the course of his canvass in Hampshire last winter, complained of the employment of such influences against him, and indignantly denounced them in one of his speeches to the electors; and the noble Lord, the present Member for Stroud, was no less explicit during the recent memorable election in Devonshire. When I read that noble Lord's concluding address to the electors, in which he specified the cause of his defeat, and when I call to mind the testimonies which confirm his statement, I cannot but deeply feel the painful lesson which they read to us on the nullity of the elective principle, and on the defenceless state of the present franchise. The noble Lord alluded, in express and pointed language, to the threats and intimidation which had been employed to deter voters from supporting him, and to the effect which those proceedings had produced on the final result. He gave us to understand, and he repeated it still more clearly in his first speech at Stroud, that if the tenantry of Devonshire had voted freely and at their ease, instead of voting under external compulsion and constraint, the majority at the close of the poll would have been doubtful at the least, and probably in his favour instead of against him. This is a weighty testimony, which the people of England will not soon forget, coming as it does from so very eminent a quarter. If in the solemn and conspicuous issue lately tried in Devonshire, in which the eyes of all England were intently fixed on the electors, a true and faithful verdict was not brought out, what guarantee is there for integrity of election anywhere? What presumption can there possibly be that the voice of the electors has not been equally smothered or terror-stricken in other counties or towns? And what approach can we be said to have made towards that great and magnificent end which the Reform Act expressly promised us—a Parliament possessing the full confidence of the people? What the noble Lord may think of the remedy which I propose I pretend not to say; but at least he will not be surprised that I anxiously urge the only adequate remedy which I can discern against a capital evil, the existence of which he himself has so forcibly signalized. And is it really any wonder that this evil should prevail? Is it wonderful that undue influence should be employed at elections when no pains are taken to prevent it? Why, if you took no more pains to prevent robbery on the highway than you have hitherto taken to prevent undue influence at elections, I venture to affirm that no man would be able to carry his purse for one half-hour in safety. When men are strongly interested in an election contest, will they not make their private means of annoying one man and obliging another subservient to their political objects, if your system opens the door for them to do so? The inequality of fortune in this country is well known: the liability of numbers of voters to loss, or privation, or annoyance, at the hands of a small number of wealthy men, is equally well known. What else can we expect but that the rich and powerful should appropriate to themselves the political privileges of the weak, if you leave the electioneering world in a state of nature, without restraints upon the former, without escape or protection for the latter? But this is not all: there are other serious mischiefs besides those arising from dependence of position. Often and often do open elections leave behind them a deplorable train of private feuds and animosities, even amongst equals and independant individuals. Let the voter take ever so small a part—let him simply exercise his suffrage, and no more—he finds himself arrayed in open hostility against friends, and neighbours, and associates. If the contest be sharp and closely run, such hostility often continues far beyond the actual moment, and bitterly interrupts the harmony and comfort of private life: nay, sometimes it begets a reciprocity of unkindness and injury which approaches to a mitigated civil war among neighbours and fellow-townsmen. Now, I know very well that active and leading partisans in an election must take the risk of such enmity as their forwardness, may draw upon them. But active partisans are few in comparison to the whole: and why should the quiet voter, in the simple discharge of his electoral duty, be compelled to embroil himself in altercation with kinsmen and neighbours? He would escape the whole by a secret suffrage; for however neighbours might mutually suspect and guess each other's, votes, want of certainty would take off both the pungency of displeasure, and the ostensible ground of open quarrel. It is an object of first-rate moment to allay those acrimonious political animosities which form the bane of social intercourse, and which so inevitably spring up in contested elections, if the citizens are marshalled in open and undisguised rivalry against each other. I vensure to assert that you will never approach to the solution of this problem without the aid of the ballot. In illustration of the way in which electioneering hostility procreates and multiplies itself, and of the manner in which ill treatment of voters by one side is alleged as the reason or pretence for retaliation on the other, I will take the liberty of reading to you a short document issued during the last general election. It is not often that any formal or authentic record of menaces addressed to voters is ever preserved, for the practice is one which can be made to take effect without any general resolution, and one too, let me add, which prudent men generally like to leave themselves the means of disavowing. But I find that in the election last winter for the city of Dublin, the committee of the Tory candidates came to the following resolution, and advertised it publicly in the newspapers. I read from the *Morning Chronicle* of January 22nd:—"City of Dublin Election.—At a meeting of the Committee for conducting the election of Messrs. West and Hamilton, it was resolved unanimously, 'That in consequence of the gross system of persecution and intimidation practised against the respectable traders and shopkeepers, Roman Catholics as well as Protestants, by placards and other denunciations, this Committee feel bound to meet the atrocious system of despotism practised at this election, by pledging themselves to furnish to the nobility and gentry resident in the principal squares and streets, and who are the great mass of purchasers and consumers in the metropolis, lists of those engaged in trade who support the views of the sound and respectable portion of the community, as well as with lists of those who decline to act in conformity with such views." This is a curious document, as it indicates in what light Gentlemen who meddle with elections regard the freedom of voters, of those voters whom yet, with a cruel sort of mockery, they address in their formal advertisements by the empty title of "independent electors." The Dublin Committee impute to their opponents the first beginning of gross interference with the freedom of election. How far this imputation is just I do not know, but I take the facts as these Conservative Gentlemen state them. "Our opponents (they say) have begun the war of interference on their side; therefore, we feel both called upon and authorized to retaliate by interference on our side. Our opponents have terrified many voters in voting for them: therefore, we in self-defence resort to exclusive dealing, in order to force voters into voting for us." Now there might be some sense and sufficiency in this reasoning, if an election were like a prize-fight or a horse-race, where nothing was to be studied but a fair start and exact equality of advantages between the two competitors. But is the House disposed to look at an election in this light? In my view, there are two other parties, whose interests in the case greatly outweigh that of the candidates. I mean, first, the public; and secondly, the voters. The public have a deep interest in promoting the choice of good and fit representatives; and what guarantee can they have for this if the business of election is to be a mere conflict of threats against threats, and intimidation against intimidation? The voters have a still deeper interest in the business, and their treatment forms the worst ingredient in the whole compound of mischief. They seem to be considered as lawful prize and prey, *mutum ac turpe pecus*, belonging of right to that party which can drag them with the greatest violence. Not a thought is wasted either upon their feelings or on their repose, or on their integrity. Consider the situation of a quiet tradesman in Dublin who has customers among both parties; there must, of course, be many tradesmen so circumstanced. Let him vote how he may, he must give offence either to one party or to the other—he must incur some positive and inevitable loss, whichever candidate he may prefer. I ask, whether he does not in this case march up to the poll "*injusto sub fasce*"—whether the franchise in this case does not carry with it a burden and a curse, rather than honour and satisfaction? I ask, whether it be worthy of a careful and paternal Government to leave electors without any protection against this intrusive tyranny, and to make the exercise of their best political rights a source of constant alarm and occasional ruin? I again press this notice of the Dublin Conservative Committee, not as anything in itself rare and miraculous, but as a striking and formal evidence of practices which I believe to exist more or less, though not formally recorded or chronicled, throughout many other constituencies. If, as these gentlemen affirm, the unjust interference originated with their opponents, I can look upon this plea only as presenting accumulated proof of the magnitude of the evil, and of the necessity for the Ballot as a remedy. Two years ago we were told to wait and see whether the Reform Act, by improving and extending the constituency, would not indirectly extirpate this mischievous interference. There were Gentlemen who prophesied that it would. Let me ask them now whether their prophecies are fulfilled—whether their prophecies are in any course or probability of fulfilment? I think the facts up to this moment are decisively against them; I think the probabilities of the future are still more decisively against them. I am persuaded that undue influence over voters was never more widely spread or more formidable than at the last general election; and it is but too evident that the efforts of the imperative classes of society to subjugate the will of the humbler voters are nowise likely to be suspended or relaxed for the future. It is my full belief, that the ties of dependence, in every form and variety, will be strained tighter and tighter; I doubt not that dictation and resolutions of exclusive dealing among the masses will be brought to bear in the opposite direction, in such places as admit of it, and those despotic influences which carry the voter to the poll without a heart, and without a conscience, will be felt everywhere more violently than ever. Such are the signs of events, as I read them. I should, indeed, despair of the tranquil and efficacious operation of the elective principle for the future, if I did not see in the Ballot the means of rescue and preservation. But are the means of rescue to be found anywhere else? What other methods, besides the Ballot, have ever been suggested to eradicate such very serious evils? There are some Gentlemen who speak of the evils in terms of serious regret and indignant condemnation, but who seem to think that they have done enough by denouncing the practice of menacing and intimidating voters without any further thought as to the means of prevention, as if political mischiefs were to be charmed away, or shamed away by rhetoric. I have heard of nothing in the way of specific suggestion for preventing the practice here adverted to, except the Bill brought in by the hon. Member for Shaftesbury. That hon. Gentleman proposes to treat all acts of threatening or intimidation, exercised with a view to procure votes, as legally criminal, and to impose upon those who are found guilty of such acts appropriate legal penalties. I doubt not, that this Bill has been framed with good intentions, and I have no wish to oppose its passing, for it will stamp the seal of legal reprobation on a class of acts eminently and extensively noxious. But when I look at the Bill as a measure intended, not merely to condemn, but also to prevent—when I consider not merely the lesson which it inculcates, but the means which it affords of compelling observance of that lesson—when I look at it in this point of view, I am compelled to say that it will prove totally null and inoperative. I shall not deny that if a Bill like this be passed, a very angry, or a very indiscreet man, may occasionally lay himself open to its penalties. But I contend that the general course and prevalence of the evil will not only not be arrested, but will even be nowise lessened by these rare and extraordinary cases. How can you possibly detect and prove by legal evidence, and punish, all the thousand ways in which a man may convey to his tenant, or to his trademan, the apprehension of loss, in case they vote against his wishes? Suppose I go and canvass my grocer, or my tailor, on behalf of one of the candidates at a contested election; I solicit his vote in the most polite manner, but at the same time in terms which show that I take the strongest interest in the result of the election. Is not this quite sufficient to show to the person solicited, that if he votes contrary to my wishes he runs the strongest risk of losing my custom; and is not half the mischief thus done without the employment of one single word which can be construed into a formal threat, or rendered amenable to punishment? Or suppose that after the election, the tradesman having voted against me, I immediately withdraw my custom from him, you cannot punish me for this act, unless you connect it with some previous threat or declaration of intention, and how rarely can this be done? Every one knows that civility of manner and expression in asking for votes is almost universal, whatever may be the disposition of those who canvass, and whatever may be their power as to inflicting ulterior consequences. Now, I assert that all these imperative requests, and all the train of oppressions inflicted on tenants and tradesmen for refusal, may go on with perfect impunity, notwithstanding the Bill of the hon. Gentleman. In so far as that Bill will be operative at all, there will be (I doubt not, without his intending it) some degree of partiality in its operation, which forms to a certain extent, an objection against it. Whenever the poorer classes meddle at all with the freedom of other men's votes, each of them individually is of little weight or importance, and it is only as a combined mass that they can interfere with effect. Now, the steps requisite to bring about concert and co-operation in a numerous body are liable to be more or less public, and the interference thus becomes cognizable by law. But the interference of the same kind and for the same purpose exercised by rich men individually needs no public notification, no joint declaration or resolution, to render it effective, and it therefore escapes legal cognizance altogether. This is, in my opinion, an example of partial and unequal operation, though doubtless not intended, in the hon. Gentleman's Bill; the more so, as the cases of individual interference by rich men outnumber a thousandfold the cases of proclaimed collective interference by numerous masses. The species of dictation which is the most widespread and the most injurious —subtle and untraceable in its course, but fearfully ruinous in its effects—is precisely that which the hon. Gentleman's Bill leaves untouched and unmolested. Such is the only substitute which I have yet heard proposed by those who admit the existence of those evils which the Ballot is intended to avert. If there be any other substitutes, of which I am not aware, Gentlemen will no doubt state them in the course of this night's debate, and the House will then be able to judge of their efficacy. But I must say, with reference to the Bill of the hon. Member for Shaftesbury, that if that Bill were passed to-morrow, the necessity for the Ballot would scarcely be a whit diminished by it. It is my firm belief that all those who now employ undue power over voters would still persevere in doing so, without the smallest apprehension of incurring the penalties provided by the hon. Gentleman's Bill; and if by accident one persecutor out of 10,000 should be convicted under it, his fate would be ascribed by the remainder, not to the natural consequences of the Act, but to his folly in omitting the easy precaution of disguising a menace in the form of a request. Now, if the Bill of the hon. Member for Shaftesbury be thus inadequate to its purpose, are there any invincible objections which should deter you from accepting my proposition of the Ballot? I contend that there are no such invincible objections; and I will endeavour briefly to exhibit the real worth of the exceptions commonly taken against it. You hear some object to it as being what they call un-English, and thus much is indeed true, that bribery and intimidation of voters are ancient, homebred, and established English practices, and that the antidote to them has not yet been naturalized to our electoral institutions. But if the evil be great, and there can be no other way of correcting it, shall we reject the only applicable remedy because, though employed in France and the United States of America, it has never yet obtained legal sanction in England? Do we act on such a principle in other cases out of the sphere of politics? Do we refuse to profit by an useful discovery because it may have taken its rise on the other side of the channel? Do we disdain wholesome medicines because they are not the growth of the English climate? The English, in our province of Upper Canada, do not think the Ballot un-English; for the House of Assembly in that province have, during this very spring, passed a resolution for its adoption. But the objection, futile as it is, has not even the merit of being accurate in point of fact. The Vote by Ballot is not un-English; for of the thousand private associations and clubs which exist everywhere throughout the country, whenever the members are called on to perform the process of election, the votes are uniformly taken by Ballot. This is the mode of voting spontaneously resorted to by Englishmen when they are left to themselves in their private associations, and when they desire to call for a free and unconstrained expression of opinion from each individual member. Surely a practice which Englishmen of all ranks, from the vast London clubs to the trades' unions and the humble benefit societies, thus naturally and uniformly fall into, is not to be denounced as uncongenial to the feelings and habits of the nation. If the Vote by Ballot be necessary and available to cure a grievous political evil, we ought rather to rejoice that the remedy is to be found so near at hand, and so familiar to the dealings of all classes of Englishmen. Some persons will tell me that undue interference with the liberty of voting will still continue, even in spite of the Ballot, because the Ballot will not produce entire and effectual secrecy. A landlord, they contend, diposed to act oppressively, though he cannot watch his tenant during the express act of voting, may yet find out by indirect and collateral evidence how he has actually voted, and may punish him accordingly. I shall admit, Sir, that with or without the Ballot, an oppressive landlord may deal harshly by his tenant. He may do so on the most frivolous grounds, or on no grounds at all, he may do so on the mere suspicion that a vote has been given which he does not like. But let him do this, or abstain from doing it, as he pleases, still he cannot make the infliction of loss conditional on the way in which the vote is given—he cannot make his oppression the means of controlling or perverting an unseen vote. If the tenant voter be an object of suspicion, he will not discharge himself from that suspicion by falsifying his vote at the poll because it can be made evident to any one else that he has actually done so. He may be a sufferer—he may be a sufferer wrongfully and undeservedly—but he cannot be in any case worse off on account of conscientious voting, so long as he votes in secret. Therefore he can have no motive to give his vote contrary to the dictates of his conscience, and thus to forfeit his duty towards the public. No one has ever pretended that the Ballot will shield voters from all sorts and causes of oppression. It is proposed as a means of relieving them from the conflict of private risk and public duty on the specific occasion of voting. This relief it cannot fail to impart, and directly it imparts no more. But indirectly, and in its collateral effects, it reaches much farther; for the vote is the sole and exclusive object which intermeddlers aim at, and when they cannot grasp the vote by means of terror and coercion, they will have no motive to employ these nefarious methods at all. Nay, they will even have a positive inducement to exchange menace for conciliation; for the voters whom they cannot force may yet be freely enlisted on their side by persuasion and gentle dealing. Sir, if you contemplate even the most abject and disconsolate of all human conditions—the life of a negro slave under a savage white master—still if there be in the life of this poor being any one act which he must perform in secrecy, and which leaves no trace behind it, to that act the power of his master cannot be made to reach. With reference to secret acts all human power is a nullity; Omnipotence alone can detect and deal with them. An unseen vote must go both unrewarded and unpunished; and wishing as I do, to put every elector's vote out of the reach both of reward and punishment, I know no other method except to put it out of sight. But then there are Gentlemen who tell us that secret voting is base and unmanly, a cloak for hypocrisy and deceit. Surely it is almost a sufficient answer to this allegation to notice that secret voting is the habitual practice in all clubs and associations; for it would be indeed preposterous to pretend that members of clubs are guilty of a base and unmanly act whenever they go through the process of balloting, or that they are greater hypocrites and deceivers than other men. You bestow the elective franchise upon a man for the purpose of eliciting his inward judgment and opinion, on the choice of a representative—a matter of supreme moment to the State. If, on full deliberation, you command him to transmit this opinion to you confidentially, what can there be base and unmanly in his obeying you? If there be reasons, as regards the public interest, for preferring secrecy of voting, there can be no reason as regards the voter himself for deciding otherwise. But we are told, that if a man votes secretly, he may promise his vote to one candidate, and give it to another; he may assure me that he has voted for me, or will vote for me, while in reality he votes for my rival. I ask, in reply, why should we suppose this to be likely? Why should not a man who has promised his vote perform the promise just as much when he votes secretly as when he votes openly? Secrecy puts no fresh difficulty in his way: it gives him no new motive to break his promises; it simply enables him to do so with impunity if he pleases; and the question still remains—why should he please to break his promise? There can be only one reason, because the promise is not conformable to his own natural inclinations, and has been extorted from him by a force upon his free will. This is the only case in which promise-breaking can possibly arise; the free and voluntary promise will be observed as surely in the darkness as in the light; but the voter who has been bullied into a reluctant promise may perhaps take advantage of secrecy to elude the performance of it. Now, Sir, I am not the man to speak lightly of a breach of promise, but I venture to ask whether it is possible to imagine any promise less binding, and more unjustifiable, than that which a voter has been constrained to give, in reference to the exercise of his trust, against his free will, and against his conscience? Is this a promise which any man is entitled to ask of a voter? Is it a promise which any voter is justified in giving, let him be ever so much solicited, or ever so much threatened? I say no. A voter has no [right to enter into any engagement to vote against his own free choice and conscience, because by so doing he expressly contravenes the trust which his country reposes in him. The sole intent and purpose of investing him with the elective franchise is, that he may deliver his free and indifferent suffrage at the poll. A promise to deliver a suffrage which is neither free nor indifferent is, in point of fact, a promise to commit wrong—a promise to be guilty of a deliberate breach of trust. A promise extorted by fear of evil is just as insincere and just as unlawful as a promise suborned by the present of a bribe. Let me again impress upon you, Sir, that these wrongful promises constitute the whole of what is involved in the present argument—they are the only promises which are in any danger of being broken when votes are taken by ballot. But is it any great mischief that wrongful promises of this kind should be broken? Is it not rather a greater mischief that they should be observed? Suppose a man has entered into a solemn promise to commit any other wrong—suppose he has engaged to bear false witness in a court of justice—to give a partial verdict in the jury-box—to become an accomplice in any breach of trust, private or public—will any one tell me that a man who has entered into such a criminal engagement would be right in performing the act of criminality to which he has bound himself? Assuredly not. He has already done great wrong by the mere promise to commit a crime: he would do still greater wrong if he went on to perform such a promise, and to commit the crime in reality. The case is similar with a voter who has been induced to promise to vote against his conscience, and thus to break his trust to his country. While I am on the subject of these promises, Sir, extorted from a voter against his will and against his conscience, I could say much on the conduct of those who extort them; for assuredly, if there be guilt in the voter, when he his cajoled or terrified into the[giving of such a pledge, there is far greater guilt in the party by whose threats or seductions the voter's conscience is overawed or perverted. The time may come when such subornation of votes will be appreciated as it deserves. At present my object is to let you see distinctly the utmost extent of duplicity and promise-breaking which the Ballot can by possibility let in upon you. Take it at the worst, those promises only will be broken which ought never to have been asked and never to have been made. All promises which can be legitimately asked, or innocently given, will be just as sure of observance under secret as under open suffrage. This is the true way of stating the argument, and I ask whether it does not prove in favour of the Ballot, not against it? I contend that under secret suffrage there will be far less duplicity than there is at present, because men will cease to press for unrighteous and compulsory promises when they lose their power of compelling performance; they will be content to receive the voter's promise when he his willing to give it, and when he will be equally willing to perform it, let performance be secret or open. Under the existing system of terrorism, the great object which men strive for is to tie down the voter by a solemn promise, whether his conscience goes along with it or not; and duplicity of one kind or other thus becomes unavoidable. If the voter keeps his promise, he lies to his conscience and his country by giving an insincere vote; if he breaks his promise, he lies to the individual who extorted it from him. Such is the dilemma which this guilty encroachment on the freedom of the electoral conscience inevitably creates. Open voting is the indispensable condition to its exercise; secret voting would extinguish it at once. With respect to bribery, Sir, the inefficacy of your existing prohibitory laws is but too well ascertained. I know, indeed, that they admit of several material improvements, and I trust that those improvements will not be much longer postponed. But improve them as you may in other respects, you will still find that among the checks and obstructions to bribery, the Vote by Ballot will prove the most valuable and effective. It will annihilate the confidence between the two contracting parties in this unlawful covenant; it will deprive the bribe-giver of all certainty or assurance that he receives the stipulated return for his money. Who will reward an individual for his vote, when that very vote may, for aught he knows, be given in favour of his opponent? But then, it may be said, may not the candidate engage to distribute a certain sum of money among the electors on condition of being returned, and not until after he his returned? I shall not affirm, Sir, that such a proceeding will be altogether impracticable under the Ballot. But I do affirm that it would be far more costly, more uncertain, and more liable to detection than bribery is at present. The voter, instead of making a separate bargain, as he does now for his own individual vote, would have to give his vote under an uncertainty of receiving anything at all; and the candidate, after being returned, would have to pay every voter who applied for payment, having no means of distinguishing friends from opponents. This would multiply both the cost and the hazard of detection; nor would it be possible under the Ballot to carry on bribery with anything like the same certainty and facility, or to the same extent as it is at present. While, therefore, by means of the Ballot you pluck up intimidation by the roots, you at the same time greatly embarrass and restrain the practice of bribery. But the former of these two effects separately, even if the latter did not accompany it, would be enough, and more than enough to make out my case. If it be difficult to devise adequate means for preventing dishonest voters from taking bribes, is not that the strongest of all reasons for guarding the virtue of honest voters with peculiar solicitude? If there are dishonest voters, whom you cannot either correct or curb, the more ought you to cherish the willing virtue of the remainder, as presenting the only chance of tolerable purity at elections. And surely, Sir, it is not very consistent or creditable, if while you impose severe penalties for the purpose of forcing dishonest voters into the path of honesty, you withhold from those voters who would be honest of themselves the common blessing of safety. I have already touched, Sir, on the imputations of deceit, hypocrisy, and immorality, which hasty observers have advanced against the Ballot. Another objection, however, is sometimes taken, founded on a totally different view of the case. It is contended that the elector ought to give his vote under a feeling of responsibility to the public: that for this reason the public ought to know and see how he votes, in order that they may praise or censure him accordingly. I think, Sir, that this argument is founded on an inaccurate view of the elector's position, as well as of his duty. The law presumes him to be qualified to give a sound opinion respecting the fitness of a representative, and therefore he is invited to indicate the man whom he prefers. All that is required of him, as I have before stated, is to deliver a free and indifferent opinion; not an opinion suborned either by hopes or fears from without. Now, Sir, I maintain that the performance of this duty cannot be at all assisted, but is, on the contrary, greatly embarrassed by the presence and supervision of the external public. The voter ought to deliver his own conscientious opinion, whether he may agree or differ with those around him. He ought to vote for a Tory, if such be his conscientious preference, though all his neighbours may be voting for a Whig or a Radical. He is no more accountable to them for his conscience than they are accountable to him for theirs. Two electors, who vote for opposite candidates will each discharge his duty with equal rectitude and fidelity, provided he expresses his own genuine opinion. Dictation to the voter is the thing which ought to be carefully excluded, come from what quarter it may—from the many or from the one. In point of fact, there is no such thing as an impartial public, in reference to an election proceeding; the public are divided into partizans on the one side; and partizans on the other; and responsibility to the public, if it means any thing, means responsibility to the majority. But it would be the most fatal of all principles to recognise in the majority any right to supersede, or over-rate, or silence, the conscientious persuasion of a dissentient minority. Sir, I repeat, that the great business of the legislature is to protect the voter against perverting or disturbing causes—to exclude both corruption and intimidation. When this is done, all is done, which the case admits of. The man will then give a sincere opinion of his own accord; and, indeed, if it were possible to imagine that he were disposed gratuitously to give an insincere vote, no supervision from without could ever prevent him from doing so. In endeavouring to provide an artificial check and tutelage for the voter's conscience, you only lay it open to every species of external attack. The very means by which you seek to render a voter responsible to an imaginary public, render him really and fatally responsible to those private individuals who have power over his hopes and fears. Publicity of the suffrage opens the door to the corruptor and to the tyrant, and thus drives your honest voters into dishonesty against their own will and consent. Let it never be forgotten, Sir, that the voters have no interest in giving dishonest votes, and that, if the system be such as to exclude individual corruption and intimidation from without, each voter will do his duty to the public spontaneously and of his own accord. It has been attempted to compare his position with that of a Member of Parliament; but the cases are altogether destitute of analogy. A Member of Parliament is one of a select and conspicuous few, chosen by the people—his interests do not naturally point in the track of his duty, and his conduct must be made known, in order that the people may judge whether he is worthy of re-election. If he would prove his fitness to be re-elected, he must act, not only according to the dictates of his own conscience, but also in such a manner as to give satisfaction to his constituents. The voters are different in all these respects—they are an untraceable and unassignable multitude—their interests if left to themselves, lead them to vote sincerely and conscientiously—and their duty consists simply and exclusively in giving expression to their own judgment and determination, without any reference to the opinion of any one else. All these circumstances sever the condition of a voter from that of a Member of Parliament, and render the idea of responsibility, which is essential as regards the latter, both useless and inapplicable as regards the former. Unwilling, as I am, Sir, to detain you longer, I think it imperatively necessary to notice one other argument which is often employed against the Ballot. We are told, that it will annihilate the legitimate influence of property—that it will take away from rich men a salutary and beneficial guidance which they now exercise over poor and humble electors. I do not despair of showing, that the very reverse of this is the truth; that not a fragment or atom of the legitimate influence of property will be impaired by the Ballot. It is, indeed, necessary that we should understand what Gentlemen mean by the legitimate influence of property, and how far they are pleased to extend it. Do they mean that the rich are entitled to appropriate to themselves that elective franchise which the law has conferred upon the poor? Is it contended, that a tenant is under obligation, moral, or social, or political, to vote for the person whom his landlord may espouse, whatever may be his own feelings or judgment. Shall he be condemned to transfer his suffrage from Whig to Tory, according as his landlord may change his politics, or according as the farm which he occupies may change proprietors, as if he were *pars domus non pars reipublicæ*—as if a political conscience (to use the words of Paley) were a luxury which he could not afford to keep? Is the legitimate influence of the rich understood to imply the entire extinction of freewill and independent judgment on the part of poor electors? If this be what is meant by legitimate influence, I stretch my imagination in vain to discover what influence can possibly be illegitimate; for the most barefaced bribery could not produce worse political effects than this degrading vassalage. It were far better that the poor man should possess no vote at all, than that he should possess a vote subject to such unmeasured interference, which disguises the most servile constraint under the hollow forms of citizenship. In my view of the case, Sir, no influence can be legitimate which is inconsistent with the rights an station of a freeman—no such influence can be even tolerated, according to English ideas and rules of action. And it is idle to call a man a free man, if he be not at liberty to exercise those rights, civil, social, and political, which the law confers upon him, according to his own free choice and conscience, without let or hindrance. No rich man, be his wealth ever so great, can pretend lawfully or righteously to trample down this boundary. The influence which he exercises, must be an influence over freemen, not over slaves, or clients, or vassals—an influence, sealed, and sanctioned, and ensured by their own concurrence and free will. Legitimate influence supposes willing followers, and an honourable obedience; it excludes all abject submission springing from constraint and fear. Now, Sir, I hold that this legitimate influence will be preserved just as much under the Ballot as under open suffrage, without counteraction or abatement. Exercised as it is over none but willing subjects, it will be just as complete and as effective in secret as in public. The men who obey such guidance feel no hardship in it, nor any disposition to elude or renounce it. They follow a leader whom they esteem and honour, whose social position they look up to, and whose character and behaviour they charge with affection and reverence. A man of wealth and rank, unless he miserably neglect the duties appertaining to his station, is sure to possess a powerful influence of this kind; his political voice and opinion will be often asked, and always attentively listened to, by his neighbours; he need not fear a rival in the hearts of those around him, if he takes even the commonest pains to win and retain them. Let no man fear that the moral ascendancy fairly deserved by the rich will be eradicated along with the publicity of the suffrage. The disposition to hearken to the rich will assuredly continue, though its causes and its nature are altered; it will be a willing homage paid to the union of personal merit with conspicuous social station, instead of a sudden compliance with unjust requisition and encroachment. If, Sir, you desire to retain this legitimate influence of property pure, unalloyed, and in full vigour and vitality, while at the same time you effectually disarm that brute force of wealth which now presses down the poor voter's free will and conscience—if you seriously desire to ensure these great and valuable ends, you will adopt the Vote by Ballot. It is in vain to argue that many voters are so ignorant and unthinking as to be unable to judge for themselves. Assume this to be true, and it may be a specious reason for taking away the right of suffrage from them; but it never can be a reason for giving them a suffrage in name, and then withholding from them the means of exercising it in safety. The way to cure their intellectual defects is by multiplying wholesome advice and instruction; by so arraying the system, as that others shall have a motive to tender to the elector judicious counsel, and that the elector shall have no motive to prevent him from listening to it. Now, by means of the Ballot, you attain this end as complete as human affairs admit; you open the elector's mind to the influence of truth and reason, come from what quarter it may; and you banish all that tyrannical ascendancy which would overrule the gentler voice of persuasion. If you wish to make a voter judge reasonably, you must first enable him to judge freely; the very idea of rational judgment is excluded, if he be a mere puppet under extraneous command, and if the goodness of his vote depends upon the character of the man under whose dependence accident has placed him. I shall not believe, Sir, until I hear it actually advanced, that any Gentleman in this House will brand the Ballot as an innovation on the Constitution, and as belonging only to democracy. How can the Ballot alter your Constitution? Is there a man in the country whose legal rights and privileges the Ballot will either extend or curtail, even by a single hair? Will it confer any new political right, or impose any new civil disabilities? Sir, the Ballot will do none of these things; and how then can it alter the form of your Constitution, either for better or for worse? What is your Constitution except an aggregate of legal and political rights and obligations, distributed in a certain manner among your citizens; and if all these remain the same, severally as well as collectively, how can your Constitution be anything different from what it was before? Again, let me compare my propositions with that of the hon. Member for Shaftesbury. Is there any one who will tell him that his Bill alters the land-marks of the Constitution—that in trying to suppress coercive influence over votes he is guilty of a piece of odious democracy? And what is the difference between his proposition and mine except that I fully accomplish that which he sincerely, but ineffectually aims at; He aims at the very same end that I do?

and if his Bill were to be executed by omniscient and omnipresent judges—by men who could dive into every one's heart and intention, and inflict instantaneous penalty wherever it was deserved, without the necessity of complaint or evidence; if, I say, these things could be, there would be little to choose between his proposition and mine. But these things cannot be;—we live and move amidst the informalities of earth; our judicature is, and ever must be, lame and short-sighted, and comparatively powerless; and therefore it is that the hon. Gentleman's Bill will prove only a benevolent nullity. Like the impotent dart of Priam, it will scarcely pierce even the outermost rim of the persecutor's shield. Let me again ask, Sir, what is that same end and object which the Bill of the hon. Member for Shaftesbury does but fondly promise, but which my proposition both promises and effectually guarantees? That end is, free and conscientious voting; the genuine and unadulterated opinion of the qualified electors. The Ballot will give you nothing less than this; but at the same time it cannot give you anything more, or anything worse. *Vindex tacita libertatis.* Is this a purpose foreign to the Constitution? If it be, then I affirm that your Constitution is an assemblage, not of checks and balances, but of cheats and fictions. You call the House of Commons a Representative Assembly, and you qualify certain persons as electors; but what are they, after all, when you have so qualified them? They are distinguished from their countrymen by a peculiar badge of servitude and legalized dependence. It is not they who elect Members; it is the Aristocracy who elect by and through their voices. Your register of Voters become nothing better than a register of men liable to electoral impressment—liable to be called on to do compulsory voting duty whenever it pleases their commander to issue warrants for their attendance. And is this, after all, the real heart and kernel of the Constitution—is this the *arcanum imperii* which Gentlemen take so much delight in holding forth to public view, when they tell us that the purpose of the Ballot is unconstitutional and democratical? I venture to say that the fiercest and most seditious of all the decried newspapers has never put forth a more deadly libel against the Constitution than this allegation of its extreme panegyrists—the allegation that it repudiates free and independent voting, as a dangerous novelty, foreign to its genius and spirit. Sir, I affirm, and I defy contradiction, that free and independent voting is the most constitutional of all constitutional things, and that all the means necessary for such an end must be constitutional also. Well, but, some Gentlemen may say, we admit all this; but we contend that you have free and independent voting, as things stand at present. Is this, indeed, so? Then, I ask, what can you possibly have to fear from the Ballot? If, under the present system, every voter be a free and self-determining agent, altogether unembarrassed by any apprehension from without, how can the Ballot alter our Government, either for the better or for the worse? Reasoning on this assumption, the Ballot will no more vary the course of our political affairs than it will vary the orbits of the planets. But are you sure that the facts are as you state, and that we really do enjoy the blessing of a free suffrage? You never can be sure of it without adopting the Ballot. That alone can give you firm assurance that the result which you seek, and which you profess to have attained, is no fiction or chimera, but entire and unquestionable reality. So much, Sir, on the assumption that we even now enjoy a free suffrage. But such an assumption is not for a moment to be tolerated—it is not true—it is not even an approximation to the truth. There is the amplest proof that your suffrage is the very reverse of free; and, therefore, the Measure which emancipates it will work a salutary and important change. But it is a change the extent of which every man can see and measure—a change which can only land you in the true and natural haven of a representative assembly, the undisturbed manifestation of real electoral feelings. Let me remind you, Sir, that the dignity, the usefulness the moral ascendancy, of this House depends upon its possessing the entire and unqualified confidence of the people; and that of this there is no other constitutional test, except the free and unbiassed choice of the electors. Let me remind you that the first and greatest interests of the State—the tie of affectionate reverence which binds a nation to its elective Legislature—the inducements for the rich to respect the conscience, to cultivate the attachment, and to improve the understandings of the poor—all these inestimable objects are at stake in the integrity and independence of the suffrage. You ensure them, beyond suspicion or contest, by granting the Ballot: you never can ensure them without it. I therefore beg to move —"That it is the opinion of this House, that the votes at elections for Members of Parliament should be taken by way of Secret Ballot."

Sir *William Molesworth* rose, he said, with great pleasure, to second the Motion If there was one fact more clearly established than another by the unanimous testimony of men of all parties, it was this —that during the late election the grossest intimidation had prevailed. Each defeated candidate invariably ascribed the loss of his election to intimidation: complaints of intimidation were to be found in every election petition. There was the undoubted, most explicit, and most valuable testimony of the noble Lord at the head of the Home Department, that he had lost his election for South Devon solely through the continued and systematic intimidation of the Tory landlords and parsons. Intimidation had, within the last few weeks, been resolutely carried on in Yorkshire, Staffordshire, and Inverness-shire. Meanwhile, the people were the sufferers; and to protect them in the exercise of the electoral franchise which had been bestowed upon them—not to give the predominance to any particular party—was the motive which induced him to support the Motion of his hon. Friend and Member for London. He did not care whether the Ballot had an aristocratic or a democratic tendency; all he contended was, that the Ballot was by far the best, the only means, of ensuring freedom of election; and all who acknowledged the theory of a representative Government, must necessarily acknowledge that freedom of election was all important. According to that theory, the electoral body should be a body so numerous, that their interest must necessarily coincide with the interest of the whole community. The electoral body ought, likewise, to be a body so selected, as to be better acquainted with what those interests are, than any other body of men. If these positions were denied with regard to our present electoral system, the system was faulty, and ought to be altered. If they were affirmed, the expression of the real wishes of the electors was the best expression of the real interests of the community. In order to secure those interests—in order to insure the best Government—freedom of election was absolutely requisite. Some hon. Gentlemen seemed to think that intimidation could be prevented by penal enactments. Those hon. Gentlemen must be but slightly acquainted with the common modes of intimidation. Landlords seldom directly informed their tenants that punishment would follow disobedience. They merely solicited the votes of their tenants, and left the evils consequent upon a refusal to be inferred, and this was in most cases quite sufficient. He knew an instance of a case at the late Devon election, of a body of tenantry, almost all of whom had at a former contested election voted for the noble Lord, the Secretary for the Home Department, but who, without the slightest change in their political sentiments, then voted against him. He inquired the reason, and was informed that, at the first election, the landlord had abstained from all interference, but that on this occasion he had written a letter, which was taken to each of the tenantry by an opponent of the noble Lord, wherein he stated, that though he did not wish to compel his tenantry to vote contrary to their inclinations, yet if any of them had not made up their minds, he should feel much obliged by their voting for his candidate, Mr. Parker. Some of the tenants abstained from going to the poll at all—the remainder voted against the noble Lord. Could any penal enactments prevent this, the commonest and most effective species of intimidation. The tenants reasoned thus:—" Many are the favours we have to beg of our landlord from time to time—we solicit a reduction of our rent, or a short delay in the payment of it—we want wood to repair our buildings, or for fuel—we want permission to make a road, a fence, or a drain—in short, we want a thousand things. If we act in opposition to our landlord, neither he nor his agents will have the same kindly feeling towards us as they would have if we had gratified their wishes; and we see what happens to others in similar circumstances." Even where a tenant has voted against his landlord, and then made some unreasonable and improper request, which was refused, he had invariably found that the tenant assigned this refusal solely to the vote he had given; and this opinion being promulgated to all around him, inspired terror and created the belief in the minds of the tenants of other landlords, that they likewise would be liable to suffer in similar circumstances. He (Sir William Molesworth) had known many respectable and honorable men who had told him that they considered they had a right to control the votes of their tenants, and that they would not retain as tenants men who would dare to vote against them. "For," said they, "by making them our tenants we have given them the elective franchise, and surely we ought to have a control over that which is our own gift." Thus at the late election in Devonshire, Gentlemen who once held liberal opinions suddenly were found to have apostatised; and along with them whole bands of tenantry seemed, as it were, miraculously to have changed their opinions. It had been falsely asserted that it was the cry of of "No popery," which had influenced the electors of Devon. Some of them had, no doubt, feigned it as the only means of concealing their real slavery; but though he could not from his own personal knowledge speak highly either of the intelligence or education of the electors of that county in general, yet he could not allow that they were so beastly stupid, so brutally ignorant, as to have credited the falsehoods which were so industriously circulated on this subject, or to have believed the assertions of the clergyman, who told his parishioners, when assembled in the vestry, that the hon. and learned Member for Dublin had appointed a Catholic priest to each parish in the county. The noble Lord was most correct when in his parting address to his supporters in Devon he attributed his defeat to intimidation and undue influence. That election was lost through the exertions of the nobles and of the landed gentry, and through the undue influence of the clergy, who, as tithe proprietors, were in a certain degree the landlords of each parish in the county. Freedom of election was the only means of obtaining pure representation, and of ensuring good government, and therefore every obstacle which opposed itself to that freedom of election ought at every risk to be removed. With open voting the control of the landlord over the tenant was an obstacle. Those, therefore, who supported open voting, must devise some means of removing that obstacle. The objections to the ballot were twofold—that it would be inefficacious, and that it was immoral. His hon. Friend had so admirably refuted these objections, that he would not trespass upon the House by following his hon. Friend in his most able exposition. It was demonstrated beyond a doubt, not only that with the Ballot all intimidation would be quite useless, but that open voting was much more likely to produce immorality than secret voting. In the open system, the elector who promised to vote contrary to his inclination and opinion, and adhered to that promise, committed both the immoral act of promising, and the still more immoral act of keeping his promise. If there were wickedness in making the promise, there was tenfold wickedness in extorting it. The promise was given by the trembling dependent to save himself and family from the worst of evils. The giving the promise was so far innocent that it injured no one. The extorting it tended to very great evils. If they could not get good voting without a promise, which was broken without injury to any one, they must be content to get good voting on these terms, and be glad that things were not worse. There was an argument which had been much employed by the antagonists of the Ballot, and on which the noble Lord, the Member for Stroud, placed especial reliance. The elective franchise, it was said, was a trust reposed in the hands of the elector for the advantage of the community; and the elector was responsible for the manner in which he exercised that trust. Secret suffrage would destroy that responsibility, and, therefore, it was argued it would be an evil. Now, if the electoral system were what it ought to be, the interests of the electors would coincide with the interests of the community, and the real wishes of the electors would be the best expression of the real interests of the community. If this responsibility of the elector to the non-elector acted in the same direction as the wishes of the elector, then evidently it was superfluous; if this responsibility acted in a contrary direction, it was pernicious; but what was the price they now paid for this useless responsibility? To obtain it, the elector was exposed to all the influence which wealth possessed over poverty. They created for the elector two responsibilities — a responsibility to the non-electors, and a responsibility to the rich and the powerful. Who did not see that the responsibility of the poor man to the poor class of men was as nothing, whilst the responsibility to the rich man was all powerful. Those who laid such stress upon the responsibility to the non-elector, themselves proclaimed the worthlessness of it, for they said, that with secret suffrage tenants would stay away from the poll at the command of their landlords. What did this proclaim in the loudest manner? What but this—that the motive created by the power of good or evil in the hands of the poor multitude was as nothing—that the motive created by the same power in the hands of the rich few was irresistible. Could there be a stronger argument in favour of the Ballot than this? Could there be a more pointed satire on the pretence, that the knowledge by the poor of the manner in which the elector votes, is a security for honest voting? The elector who staid away from the poll made proclamation of the fact. He said to those around him, "The opinion which you may hold of my conduct is of small importance compared with what I have to hope or fear from the wealthy and powerful. My responsibility to you is something in name, my responsibility to them is something in terrible reality." Of these positions (the hon. Baronet continued) the noble Lord, the ex-Member for Devon, ought now to be well aware. He would recal to that noble Lord's recollection his enthusiastic reception in the south of Devon—the scene in the Castle-yard in Exeter—the assembled thousands who there greeted him with loudest acclamations, and three-fourths of whom held up their hands in his favour. Where he would ask that noble Lord, was his much vaunted responsibility of the elector to the non-elector, when a few days afterwards, in that same city, an enormous majority recorded their votes against him. The noble Lord had experienced the effects of the responsibility of the elector to the wealthy and powerful;—he had found it irresistible. It was said, that men who abstained from registering their votes, or who voted contrary to their real wishes, were traitors to their country. Undoubtedly they were so. But he would contend that men who, by acting in a contrary manner, exposed themselves to the anger and evil offices of their powerful superiors, were tenfold traitors to themselves, to their families, and to their dearest dependents. Men could not be expected, nor would they year after year sacrifice themselves—year after year sacrifice their families and their best interests, in order to gratify the ambition, to secure the return, of those who would not listen to their complaints, or grant them the much needed, the only efficacious protection of the Ballot. Let the noble Lord and those who thought with him, reflect and ponder well upon these facts. They ought now to be aware of the fact—to them undoubtedly a most mortifying fact, that amongst the gentry of England their party was decidedly in the minority; they ought now to be aware, that the vast majority of the aristocracy, of the landed gentry, and al. the clergy, to a man, were their determined and irreconcileable foes, who would spare no efforts, who would use every species of intimidation and undue influence, to compass their destruction. They could not with the same weapons successfully contend against their too powerful antagonists. If they could not protect their friends—and they were too weak to do so without the aid of the Ballot—if they left their supporters exposed to the tender mercies of the Tory party, they would by degrees be ejected, like the noble Lord, from the representation of all the counties of England. Did they remember their fatal losses in the counties during the last general election? Did they remember that their friends were ejected and replaced by their antagonists, in Berkshire, Buckinghamshire, Cambridgshire, Denbighshire, Derbyshire south, Devonshire south, Essex south, Gloucestershire west, Hampshire south, Lancashire south, Leicestershire south, Lincolnshire Norfolk east, Northamptonshire south, Shropshire north, Suffolk east, Suffolk west, Surrey east, Surrey west, Warwickshire south? That within the few last weeks they had been again dismissed from Devonshire, Inverness-shire, and Staffordshire? They had themselves proclaimed to the people of the United Kingdom the causes of their defeat, in the Address of their own Reform Association. They there told the people that their defeat was not caused by "any change or reaction in the public opinion," "but by various means either out of the reach or repugnant to the principles of Reformers—by the unprecedented canvas by a large body of the clergy, by bribery and intimidation, by the corrupting influence of close corporations, by the unscrupulous perversion by Tory authorities for party purposes of powers confined to them for the maintenance of order and the ends of justice." These, the hon. Baronet concluded with saying, were their own words, and by them they were called upon to abide. Did they require stronger arguments in favour of the Ballot than these? Was this list not a sufficient proof to them of the absolute necessity of the Ballot? Did they prefer to be utterly annihilated as a party in that House, rather than have the Ballot? If so their fate was nigh at hand, and they would well merit it.

Mr. *Gisborne* had listened to the speech of his hon. Friend, the Member for the City of London, with the greatest attention, and, he would say, with the utmost admiration; and there were so few sentiments expressed by his hon. Friend, from which he dissented, that he was almost surprised to find himself rising to move the Previous Question. His hon. Friend had placed in the strongest view the advantages to be derived from—the advantages to be expected from—the system of secret voting; and, if the only question at issue was simply whether the advantages pointed out by him, in the system of secret voting, were real, he would not find him (Mr. Gisborne) now among the opponents to his Motion. But, fortunately, his hon. Friend had saved him the trouble of searching for an argument in favour of open voting, when he said that the elective franchise was a trust placed in the hands of the electors for the general good. Admitting that it was so, surely his hon. Friend would not say that that trust should be exercised in darkness, and that darkness so inscrutable, that even the person who voted was unable to bring any evidence of the manner in which he had exercised his trust. He confessed, however, that what he had seen during the late elections had, to a great extent, overcome his scruples as to the Ballot, and if he could be persuaded that the advantages of secret voting were such as to overbalance the advantages of open voting, he would willingly give up the advantages of open voting. But no one had yet been able to convince him that any means could be devised, by which protection against intimidation could be afforded to the poor voter. With these feelings, he had at the commencement of the Session advised his hon. Friend to alter his Motion, and to move rather for the appointment of a Select Committee, to consider what plan might be adopted by which votes at elections might henceforth be taken by way of secret voting, and so that protection might be afforded to the voter. Till some machinery, by which the voter could be protected, was devised, and till it was made very apparent to him that the advantages to be derived from the system of secret voting, were greater than those which they possessed under the system of open voting, he could not give his support to his hon. Friend's Motion. His hon. Friend might bring forward strong arguments to show that flying was better than walking; but he would require excellent evidence to show that he should be able to acquire the power of flying, before he gave up the power of walking. He could show a thousand ways in which the supposed secrecy of this mode of voting, could be evaded. He repeated, that he was satisfied that they could not devise means of secret voting, that could not be obviated. His hon. Friend had denied that the adoption of the Ballot, would tend to destroy the present Constitution of the country. He did not know whether his hon. Friend was or was not in favour of a greater extension of the suffrage, than now existed. For his own part, he was not; for he thought that the Reform Bill gave a very fair share in the Representation to the popular voice; but the adoption of the Ballot would tend to prevent the success of any measure for that purpose. Supposing that there was a strong popular feeling in favour of the extension of the franchise, by open voting, as the House was now constituted, such an opinion would probably be effectual; but if there was secret voting, he did not believe that the great body of the present voters would think that the classes below them should possess the franchise. Few persons possessed of monopolies, were willing to give them up, and that feeling would operate with the present class of voters. On these grounds, he did not think that the Ballot would give any great extent to the popular feeling. This, however, was no disrecommendation to him, as he thought, under the Reform Bill, all the interests of the country were fully and fairly represented. There was another point he would advert to. He was perfectly satisfied that his hon. Friend did not, by bringing forward this Motion at the present time, wish to embarrass the Government; but he could not help reminding him that the Motion could hardly be introduced to the House, without producing this result, as it was well known that the opinions of the Members of the Government were not uniform on this subject. His hon. Friend must, in bringing forward this subject, be anxious to convince those Members of the Government who were formerly opposed to the Ballot, of the propriety of granting it, and, above all, the noble Lord, the Member for Stroud. Certainly at the present moment, after what had taken place in Devonshire, the noble Lord might take a more favourable view of the case, than he would allow himself to do at other times; but this was a reason why his hon. Friend should not have brought forward the Motion at the present moment, and this also was an inducement with him to move the Previous Question. The chief reason, however, that induced him to pursue this course was, that his hon. Friend had not demonstrated to his mind the advantage of secret over open voting, and he did not think that they should abandon the benefits of the latter, until they were convinced of the superior advantage of the former. If his hon. Friend had moved for a Committee to inquire into the subject, he would have voted for his Motion; but at the present moment he thought that he should best consult the interest of all parties—and for the final success even of the Ballot itself—by moving the Previous Question.

Dr. *Bowring* said, the hon. Gentleman who had just sat down, had stated, that if satisfactory evidence could be given to him that secret voting could be made effectual, he would give his support to the Motion before the House. On that ground he hoped the support of the hon. Gentleman would be no longer withheld; for he could tell the hon. Gentleman, that he had had the privilege of seeing the experiment successfully made in many countries, and he had no doubt, that if once the power was given of introducing it fairly into this country, it would prove to be possessed of all the advantages which its advocates were disposed to attribute to it. He had seen the ballot applied in some countries where the suffrage was narrow, and it had completely answered its end there. He had also seen it applied to other countries where the suffrage was almost universal, and with equal success; and he had never heard it objected in those countries that it could not be made effectual, or that the votes could, after all, be denounced or discovered. He believed, on the contrary, wherever the experiment had been made, it had been found completely efficient; and sure he was, that there was no individual who had witnessed the misery caused in this country by the system of open voting—no individual who had seen the despotic influence and oppression which were exercised on the one hand, and the corruption and profligacy which were brought into action on the other—who would not earnestly desire to find some security for the honest voter in the conscientious discharge of that duty which he owed to himself, to his country, and mankind. What was the system of open voting, but machinery by which fraudulent contracts, entered into by individuals to obtain dishonest votes, and then to betray their country, could be rendered effectual?—and what was the system of Ballot, but a simple and effectual instrument which would defeat the dishonest contract, detach the dishonest contractors from one another, and thus re-establish for every individual the power of exercising his suffrage according to his own conscientious opinion—a power which the system of open voting had enabled him to surrender to the corrupter or the oppressor. In the case to which the hon. Member for Cornwall had alluded—the election for South Devon—he had seen instances which would never be erased from his memory. Individuals representing large numbers of tenants, came and declared that their votes were coerced, and that they dared not make the sacrifices which would be demanded of them if they followed their own wishes and their honest convictions. Others there were who felt themselves strong enough and bold enough to make the required sacrifices to their political creed. They did it once,—but how could perpetual sacrifices be demanded—how could Parliament consent to entail upon honest men renewed and repeated sufferings? They wisely thought—that means should be found to enable them to give their votes, without being exposed to evil consequences, as the punishment of what—of their sincerity—of their desire to assist the causes of good government by their individual support. He only knew two ways of operating upon the mind of man—by hope and fear: they could be induced to do wrong only by one of these instruments. Bribery, in the shape of promises, appealed to a man's hopes—menaces, in the shape of punishment, to his fears. Why should he be led astray by either if security could be found against both? The Ballot offered a protection against them: it destroyed the baneful effects of those promises by which he might be seduced from the path of right into the path of error,—and equally powerful was it to release him from threatenings of despotism. The system of secret voting struck out of the hand of the tyrants the instrument of tyranny, and left the individual to act as his judgment dictated. He had often heard the terms of honour and credit and reputation applied to the character of the man heroic enough to sacrifice himself to the good of the community, who did his duty in spite of every temptation and every threat; but however much he might respect the martyr, he would put an end to the martyrdom. He could honour those who suffered cheerfully for their country's sake, but it was the duty of the House to prevent the suffering if possible. The Ballot was not a thing of modern invention—it existed in ancient times—it was practised among the Greeks and Romans—it was one of their great political discoveries. Forgotten in days of barbarism, it was re-produced when philosophy and knowledge became the handmaids of political emancipation. It seemed to accompany every progress in the path of political experience, and to associate as it were of necessity with popular influence. It was introduced into the provinces of the United States one by one, after duly weighing its value and its efficacy, and now it prevailed in almost all of them, because it had been found successful. It formed a part of the representative code of France; and it was found—he could say so from his own knowledge,—practicable and efficient there; and he doubted whether ten men in the Chamber of Deputies would be found to deny its benefit, or whether one would be found to deny its practicability. It was introduced into Spain with a suffrage almost universal—into Portugal, and into Italy, and it existed in Belgium. It had been adopted in almost every country where there was a representative government, and had never been abandoned when once firmly established. Why? Because it had been discovered to afford an undenied and undoubted protection to the elector. It was the result of the widest observation—the most extensive experience. It was recognised everywhere but here (with few exceptions) as a necessary protection and security for honest and rational representation, and it would infallibly be ultimately established here. Such being his views, he should have great pleasure in supporting the motion of the hon. Member for the city of London.

Mr. *Barlow Hoy* was ready to admit, that in moving for the adoption of the Ballot, the hon. Gentleman had done so from the purest and most conscientious motives, and that he sincerely believed it would be the means of doing away with bribery, corruption, and intimidation in the return of Members to that House; in consequence of which the representation of the people would be better, purer, and more likely to protect the liberties of the people and property of the empire. But he could not but be surprised to see those who had been foremost in exclaiming against corporations, on account of the secrecy of their proceedings, and the irresponsibility of their members, now coming forward as the advocates of a measure, the whole object of which was to secure the most complete secrecy, and the most perfect irresponsibility. He considered the elective franchise as a trust for the exercise of which the electors were responsible, not only to their fellow-townsmen but to the country at large; and he could not conceive, if public opinion were thought a necessary restraint on Members of that House, and a useful control upon the actions of all men, as far as regards the public welfare, why it should be less necessary in voting for Members, nor could he understand why, if so much light were thought necessary for the superstructure, the foundation could safely be laid in darkness. The whole case of the Ballot mainly rested on two assumptions—first, that every one who asked for a vote must of necessity be tyrannical and oppressive, and at the same time less patriotic, less pure, and worse informed than the electors; and on the other hand, that the electors must be more pure, patriotic, and well-informed, yet servile and cowardly. There was no ground for either of these assertions. Both France and America had been mentioned to shew that the Ballot had worked well—but how had it worked well in France, when no less than sixty changes of Government had taken place in that country in sixteen years? There was no analogy in the circumstances of the electors of the two countries, for the proportion of the electors to the population in France was 1 in 182, while in England it was 1 in 24—the electors in France were required to pay 200 francs annually of direct taxation, as their qualification, a sum equivalent at least to 12*l.* in this country—while in England it was merely required that they should have promised to pay 10*l.* a-year in rent. This shewed that there was no similarity whatever between the circumstances of England and France. And then, as to America, the greatest instances of bribery and corruption are on record as having existed there. He alluded more especially to the distribution of 28,000,000 of dollars by the bank of the United States, for the purpose of influencing the election against General Jackson. Gentlemen seemed to dread the influence of the Crown; but the days had long gone by since it was said in this House, " that the influence of the Crown had increased, was increasing, and ought to be diminished." At present its influence had been very much diminished: first, by the reduction of 30,000,000*l.* of expenditure; and, secondly, by the Reform Bill; and as long as it was in the power of one individual to return forty or fifty Members to that House, as long as the 10*l.* franchise existed in London, and as long as there was great difficulty in finding seats for the Members of his Majesty's Government, so long he promised hon. Gentlemen that there never could be a strong, a steady, or a permanent government in this country. Then Gentlemen need not be afraid of the influence of property. Much had been said about the legitimate influence of property; but he contended, that if a person who only promised to pay 10*l.* a-year, and one possessing 10,000*l.* a-year, were put upon the same footing, the security of property must be greatly diminished. He should be more readily induced to assent to the scheme if it afforded any representation of property, as was the case of shareholders in the Bank, India Company, and other joint-stock companies, who had votes according to the stake they respectively held. One strong objection to the Ballot was, that it represented population, but did not represent property. The advocates of the plan seemed to dread the influence of a kind master over his servant, and of a good landlord over his tenant, of employers over those employed; but he could hardly believe it would have any beneficial effect, that an elector, at the moment of going to poll, should find himself free from all those associations by which men were usually guided in the ordinary circumstances of life; for there were such things as evil passions,—such things as envy, hatred, and malice;—and it was fair to suppose that under the Ballot those passions would have full scope. The hon. Member for Cornwall alluded to Corporations. There was one close Corporation with which he was acquainted,—a Whig Corporation,—which had always returned Whig Members to this House, being mostly under one family. He had seen instances of intimidation, though not exactly of the kind that had been alluded to. It was his lot to stand a poll of four days at the time of the Reform Bill, because he could not conscientiously vote for the second reading of that Bill. During those four days, intimidation was resorted to, and there was one memorable instance of it which he would mention. A gallant Admiral, highly respected, formerly a Member of this House, and one whose memory would be long dear to it, came forward to vote; but he was so treated on going to poll, and such opprobrious epithets were applied to him, that he was obliged to retreat. The gallant Admiral advised him immediately to close the poll, and to present a petition to the House. He, however, wished to give the electors of the town a fair trial, and not to abridge any freedom of election, short of personal violence. He could neither reconcile the opinions of the hon. and learned Member for the city of Dublin, nor those contained in the early part of the speech of the hon. Member for the city of London, with the words of Lord Althorp, in this House, that, " as far as regards the representation of the people, the Reform Bill must be considered as a final measure;" nor with those of lord Grey in the other House—that, " something being to be done in the way of Reform, it should be done in such a way as to give a resting-place on which the Constitution may repose free from further discussion and agitation;" by which it appeared that it never was in the contemplation of the leading promoters of the Reform Bill, either in the House of Commons or Lords, to adopt the Ballot; because, according to the opinion of the hon. Members themselves who proposed it, it would make a great change in the representation. By an extract which he had made from the American papers, relative to the representation in America, it appeared that the people there were as discontented with the representation under the Ballot as any person in that House could possibly be. That extract said, " the Congress has now met four months, and yet no measure of real national utility has been contemplated." He had attended to the speech of the hon. Gentleman with a wish perfectly to understand his view of the subject; and, after having done so, the feeling of his mind was, that it would be his duty on this, as on all occasions, to oppose such a Motion.

Mr. *Strutt* observed, that he had received complaints of the evils produced by the present system from all classes of society, he therefore felt himself called upon to address a few observations to the House; this, however, appeared to be almost unnecessary, after the conclusive speech of his hon. Friend, the Member for London. Excellent, however, as this speech was, it appeared to him that it did not attract so much attention as its merits deserved; for if it had been strictly listened to by the hon. Member for Southampton, he would have found an answer in it to any objection that he had urged to the Ballot in the course of his speech. The hon. Gentleman seemed mainly to rely on the objection that the franchise was a trust, and if the Ballot was granted, the electors would cease to be responsible to the non-electors. But the question was, whether the electors should be rendered thus responsible, and whether any advantage would arise from such responsibility? It was clear that the check by means of this species of responsibility, would be seldom operative, and only in periods of great excitement. He did not believe that the electors would in this country ever form a species of oligarchy, and exercise their franchise at the expense of all others. This however, was an argument, if worth anything, in favour of the Ballot. The argument for the Ballot was not that the electors were responsible to the non-electors, but that it would protect the electors from the influence of other classes of persons having interests different from those of both non-electors and electors. The secret voting protected the electors against tyrannical landlords and tyrannical masters, and that was the real answer to the argument which was so often used, and which had been so strongly urged by the hon. Member. He contended that the object was not attained by open voting. The hon. Gentleman had also said that the system of Ballot could not be adopted without being detrimental to the security of property. Now the only reason that he could imagine for such a conclusion was, the assumption that the possessor of 10,000*l.* a-year would not have a greater influence than the possessor of a 10*l.* franchise. But if this was the case, he did not feel that it would interfere with the security of property. The franchise was only held by persons possessed of property, although he admitted of small property; but still they had the same interest in supporting the rights of property as men of large property in the country. He had not heard any argument to lead him to suppose that persons possessed of small property would do that which would be as injurious to themselves as to the holders of large property. It was not true, however, that the owners of large property would have less influence than at present, provided they were intelligent, and were anxious to promote the well-being of those they were connected with. Superior intelligence, integrity, and benevolence, combined with great wealth, would always continue to have great influence, under any form of Government. The hon. Gentleman said, that the Ballot would destroy the influence of the good landlord and good master: one reason which induced him now to support the measure was. because he was convinced that it would increase the influence of the good landlord and master, and destroy that of the bad landlord and master. It would destroy that species of influence which only existed in compelling men to do that which they believed to be wrong and injurious to the country. There was another argument which appeared to have some plausibility—namely, that the Ballot was immoral, inasmuch as it induced persons to break their promises. He would only refer to the speech of his hon. Friend the Member for London on this point, in which he clearly showed that a promise extorted, which would lead a man to the improper exercise of a trust imposed on him, ought not to be binding. What regard to morality could those have who extorted promises from persons to perform public duties in a way the latter believed to be injurious to the country. Those alone ought to be charged with immorality who extorted promises under threats and coercion. It was an offence to make a promise to commit an offence; but to commit the offence was a greater offence still. The most criminal, however, was he by whom such a promise was extorted, and by whom the commission of the offence was compelled. His hon. Friend, the Member for Derbyshire mentioned an objection which he did not expect to hear from him; he said, that much difficulty would be found in the construction of the machinery by which the Ballot would be carried into effect. Now, this might be true, or it might not. It did happen, however, that such a description of machinery was already in existence; therefore the difficulty would, probably, not be so great as his hon. Friend had supposed. But what he complained of was, that his hon. Friend should mix the two questions up together, when the only question now before them for discussion was, whether secret voting could be advantageously adopted in this country. The other question was quite distinct, and he would say merely mechanical, if he might be allowed so to express himself. Let them only determine in favour of the Ballot, and he had no doubt they would find the machinery. But suppose it were otherwise—suppose they did not succeed in finding machinery that would enable them to carry the principle into complete effect—suppose it were not in their power to obtain absolute secrecy, the only result in that case would be, that to the extent that the Ballot was ineffectual the system would remain as it was at present. The failure would hardly be complained of by those who were opposed to the Ballot. If, then, he admitted the possibility of not succeeding fully, still such success as did result from their attempts would put them in possession of all the advantages to be derived from secret suffrage. Such being his opinion, he should give his cordial support to the motion of his hon. Friend. He was aware that on the present occasion they were not likely to be successful; he was aware that there was a large body on both sides of the House who were prepared to oppose the motion; but when he reflected on the immense progress the question had made—when he saw the deep interest which that great political body, the middle classes, took in this question—and the middle classes took an interest in it because they beheld in the Ballot the means of doing their duty to their country, and of being protected in the expression of their opinion; when he called to mind these considerations, he felt that though the motion might be defeated to-night, success would ultimately attend it. He supported the Motion in the fullest conviction that the time would come, and it was not far distant, when they would be able to obtain for the people of this country this great and necessary protection.

Mr. *Williams* said, he had long considered it necessary to adopt the Ballot at elections. He would briefly allude to some arguments advanced by an hon. Member in the course of the debate. First, then, as to the alleged expenditure of twenty-eight millions in America by the Bank, for the purpose of bribing the electors to oppose the return of General Jackson; the fact was, the money was spent to bribe the press to influence public opinion in their own favour, and notwithstanding the power raised against him, he was returned by a large majority because of the Ballot. The hon. Members for Southampton and Derbyshire had spoken of the franchise as a trust: did not a trust mean a power given to act faithfully, truly, and justly? and was it not well known that men were constantly obliged to vote contrary to their feeling and their opinion of what was right? He had, in the course of his very general inquiries, learned from every hon. Member who had had to do with contested elections that they knew of various cases in which parties entitled to vote had, by influence or apprehension, been induced to give their vote contrary to their conscience. To such persons the Ballot would be fraught with that protection which they now so eagerly desired, and which, in fact, was become so indispensable. The principle of Ballot had been long approved and adopted by vast numbers of the middle classes of society. Elections were determined by it in charitable institutions, in hospitals, in most of the scientific institutions, in the Bank of England, and in the East-India Company. The Ballot was also to be found in the clubs—the members of which were generally men of wealth, intelligence, and high character; they adopted it—their experience having assured them of the benefits resulting from it. He trusted that, guided by so safe a precedent, the opinion of that House would, on a division, be found in favour of the Ballot at elections for Members of Parliament. He was prepared to maintain that the extension of the franchise by the Reform Bill had proved, and would continue to be a great evil, to those enfranchised and to the public. The only way of remedying the inconvenience and mischief was, in his opinion, by the introduction of the Ballot. Could there be any thing more degrading than that a man who had been given by the Constitution a right of voting for a representative should be controlled in the exercise of that right by a master or a tyrant of a landlord, and compelled to sacrifice his principle to his interest.

Mr. *Charles Russell* said, he felt it to be his duty to resist the proposition of the hon. Member for the City of London for further extensive changes in the mode of constituting the House of Commons, while they were as yet only in the third Session of that Parliament which was assembled together under the denomination, and if the proposition of the hon. Member deserved any favour in that House, he might say the somewhat taunting denomination of the Reformed Parliament. He should resist the proposition on every principle of common prudence and good faith. They had but just accomplished the largest measure of change short of revolution that any nation had ever been bold enough to undertake; and on every principle of common prudence, therefore, he called upon the House to pause and carefully, vigilantly, and anxiously to watch the workings of new proportions which they had thought fit to assign to the elements of our mixed constitution. During the progress of that great question, no argument was more insisted upon in justification of what was called its sweeping character, than that it was rendered so extensive, in order that it might be received as a final measure. On every principle of common prudence, consequently, he called upon all those who had advocated that measure upon that distinct understanding—he called more especially upon the King's Ministers, who had placed that argument prominently forward, not to consent to sanction further extensive changes before that so-called final measure had itself been brought to the test of experience. But although he resisted the proposition upon those specific grounds, he was not unwilling to enter the list with the hon. Member for the City of London on the merits of the question itself—upon its utter insufficiency to answer any of the ends proposed, its incompatibility with every habit and feeling of the English people, and its incongruity with every principle of the English Constitution. The hon. Member had said the practice of the Ballot was no infraction of the English Constitution. If there was any one principle which more than another pervaded every branch of our national institutions and operated as the purest check upon public men and public measures, it was publicity. Whatever temptations men might encounter to betray their trust, he was satisfied they were far more likely to be deterred from doing so by the ill opinions of their neighbours than by any artificial check which ingenuity could devise. Once allow men to act in secret, and the House would invite them to act in fraud. What was it that secured to us the equal administration of our laws, and placed the judgments of our Courts of Justice above suspicion? It was, that our juries acted under the eye of a vigilant and enlightened bar, and the constant control of public opinion. What was it that imparted its real value to our Trial by Jury? It was the opinion of Lord Chancellor Hardwicke, that the real excellence of that institution consisted not so much in the direct functions of the juror, as in the obligation which he imposed upon the judge to state publicly his view of the law and of the facts of the case under adjudication. What was it that imparted its vigour and efficiency to the great organ of public opinion—the press? It was that it held up to public scrutiny all the great events in which the country was interested, and threw a constant and steady light upon public men and public measures. And why did they in that House vote openly in the face of one another? While they were at present actually engaged in devising the means of rendering their own votes more public, why should they not vote as it was now required their constituents should vote, by Ballot? The great end and object of all those instances was to cast around the institutions of our country the great sanction of publicity. Taking it for granted, then, and he thought it could scarcely be denied, that the Ballot was not only an anomaly, an innovation—that it was not only unknown to the practice, but that it was totally at variance with the spirit, of the English Constitution—the advocates of the Ballot must be prepared to defend it upon its merits alone, and its being calculated to produce such an amelioration in our system that, even as an anomaly and an innovation, it was imperative upon the House of Commons to adopt it. He would utterly deny that the Ballot would produce any one of those advantages. On what ground could the hon. Member hope that it would put an end to the practice of canvassing? As long as the voter had that to give which the candidate was solicitous to obtain, he would be the object of importunity under every form importunity could assume. Some few persons there still might be who, as at present, might refuse to pledge themselves; but as to the great majority of them, promise they would when they were pressed, be their moral character or their political opinions what they might. The promise once given, if the voter was an honest man he would keep it, whether he gave his vote by Ballot or openly, and concealment would be of no use save to the knave, for whom assuredly an upright Legislature would not increase his facilities of disgracing himself, and of deceiving his neighbour. As long as there were candidates, so long would there be persuasion; as long as there were voters, so long would they receive solicitation; and it was absurd to expect that the Ballot would put an end to canvassing. If it operated at all, it would step in, not between solicitation and promise, but between promise and performance; and instead of protecting a voter from persuasion to pledge his word, it would only absolve him from the necessity of keeping it. It would make him a freer man only at the expense of his integrity, and would vitiate his moral character under the pretext of preserving his political independence. Whether or not it would release him from the influence of superior wealth or superior power, it would, at all events, absolve him from the obligations of fidelity, and it would debase even the corruption of receiving a bribe by the turpitude of violating a promise; but though candidates might use persuasion, what man, it was asked, would give a bribe when from the secrecy of the Ballot, he was uncertain he should obtain the vote for which he had paid? The advocates of the Ballot did not appear agreed among themselves respecting the extent and nature of the secrecy. As regarded this part of the Question, it might not be uninstructive to recur to the progress of the ballot in the French constitution. By the French constitution of the year 1791, the electors were permitted to name the candidate, as were the electors at present in England. By the constitution of 1793, the option was first given to them of voting by ballot or openly, *au scrutin ou á haute voix;* and it is somewhat singular that Danton and the strictest of the Republicans defended the practice of open voting, contending that publicity and the light of day were the natural elements of liberty. But by the constitution of 1795, only two years later, some progress having then been made in the science of revolution and Republicanism, the mode of election was confined to secret ballot, *au scrutin secret;* and he should like to know which of those republican states the advocates for the ballot proposed to adopt. The hon. and learned Member for Dublin in the very earliest debates that occurred on this subject, stated that he would not prevent any voter, English, Scotch, or Irish, from voting as openly as he pleased. To which the right hon. Baronet now at the head of the Board of Control replied. "Ay, but if the ballot be not secret, it is not the Ballot I mean." Unquestionably that right hon. Baronet was right, because if the voter were to be permitted to give his vote openly, what would there be to prevent parties from entering into any bargain they pleased, and giving and receiving the proof of its fulfilment? It had always appeared to him, that it would be extremely difficult to devise any mode of secrecy so impenetrable, as that by collusion it might not be defeated at the poll. But assuming that that secrecy was obtained at the poll, what chance was there that it would be preserved afterwards? It was for voters in the humble walks of life that this mode of secrecy was devised, and when the House considered what were the habits of such persons, was it probable that, on an occasion of such general interest and excitement as an election, a man should not tell for whom he had voted, and thus expose himself, if not to constraint before the election, to what would be equally annoying to him—vengeance and resentment afterwards? But to go a step further, and admitting that this secrecy might be secured both at the poll and afterwards, he would contend that candidates who would not scruple to resort to bribery, would not be deterred by any such considerations, and that if they could obtain no other security, they would rely upon the word of the voter. There was amongst persons of the humbler condition, and sometimes even of the worst character, a species of honour which was more binding upon them than obligations of a higher sanction, and if they could but once be induced to look upon the party with whom they were engaged in the sacred light of an accomplice, their word might be implicitly relied upon. He believed it would be found as an universal axiom that in those objects which men's interests prompt them to pursue, against which the law has offered no protection, or which are in contravention of the law, the necessity of mutual confidence would raise a species of honour, a spurious place-borne honour, but still a species of honour, which would operate more upon such persons than higher obligations. In those instances the self-enacting, self-protecting law would be more efficacious than the public law of the land. Again, what universal suspicion and mistrust would be the almost inevitable consequence of the Ballot. Suppose a man to have received 600 promises, and only 400 votes, he would feel that 200 of the electors, had betrayed him, and in his uncertainty on whom to fix the stigma, he would spread the blame over the whole, and impute turpitude to many who had not deserved it. He heard it stated, that under the administration of one of the French Ministers—he believed De Cazes—he had received a number of promises to insure him a majority of from sixty to seventy votes upon an important question. He saw all who had promised him give their votes, and yet when the Ballot glasses were opened, his majority did not exceed four. He (Mr. Charles Russell) was perfectly aware of the advantage which the advocates of the Ballot might draw from this fact in support of their argument, that it enabled a man to prefer the obligations of public duty to those of personal pledge; and he would give them the full benefit of the inference, but at the same time they must be prepared to take with it this consequence—they must be prepared to uphold the most odious doctrine which the world was ever deluged by, a false and corrupt philosophy, that private vice might prove public benefit. In the event of any doubt arising as to the validity of votes, the Ballot afforded no means of scrutiny; and in spite of every exertion, every one knew that bad votes would occasionally be admitted. In short, there was no end to the difficulties and inconveniences that would result from the secret practice of the Ballot. The advocates of that practice, however, had attempted to defend it, not on the ground of argument only, but of experience also, and had referred the House to examples both in our own and in other countries, in the present and in remote times. As regarded our own country, the practice had hitherto been confined to such bodies as the East-India Company, charitable institutions, and clubs. What benefit the East-India Company promised to themselves by electing their directors by Ballot he had never been able to understand. Did it insure secrecy? Certainly not. No man hesitated to say for whom he intended to vote, and the strength of every candidate could be as well ascertained before as after the Ballot was taken. Did it preclude the necessity of canvassing? Certainly not, because a canvass for a seat in the East-India direction was just as laborious and almost as expensive as a canvass for a seat in the House of Commons. It did not prevent the exercise of influence, for when a candidate offered himself for a seat in the East-India direction, no inquiries were made as to what he knew of East-India affairs, but only as to what interest he stood in—whether in the city interest, in the House interest, or in the Indian interest; and if direct bribery did not prevail, as unquestionably it did not in the election of the honorable body, the exemption from it was to be ascribed to the condition of the electors; and though that might be a very good argument for raising the qualification to the level of the trust, it was no argument for debasing the trust to the level of the qualification. Between this kind of election and the election at clubs there was this broad distinction—in one case the question was, whether a man should be elected to a given office, and though he might be disappointed, there was no disgrace in the defeat; on the other hand, the question was, whether a man should be admitted into a society with every member of which he probably considered himself an equal, and rejection was considered, at least used to be considered, a personal affront: the secrecy of the ballot certainly operated very beneficially in such instances in preventing personal quarrels. He should not be considered as guilty of pedantry in following the hon. Member if he said a very few words on the examples which hon. Members had adduced from ancient states. What advantage the Greeks had derived from the Ballot the hon. Member for Dumbarton had not informed the House, but this, at least, no schoolboy could forget that they made use of it to get rid of almost the only honest man they ever had among them. There was a striking passage bearing on this part of the subject in the history of Bishop Burnett. In speaking of an Act passed in the Scottish Parliament, in 1662, by which twelve Peers were rendered incapable of serving the King, and their names, though selected by corrupt influence were nominally chosen by Ballot, he very justly and emphatically denominated the Ballot "the factious practice of a jealous commonwealth, never to be set up as a precedent under a Monarchy." Even the Athenians were ashamed of it when Aristides, the justest man among them, fell under its censure, and they laid it aside not long afterwards. Of this practice, as it prevailed among the Romans, he would confine himself to one single authority, but that the authority of Cicero, not the only example of an orator and a statesman, who had acknowledged that he had taken a view of the same question at a later period of his life different to that which he had taken in the rashness of his youth. Cicero, in one of his early orations, denominated the Ballot no less than "*principium justissimæ libertatis;*" but it was not in the orations of the orator, but in the treatises of the philosopher—in his treatises "*De Amicitiâ and de Legibus,*" that persons were to search for his mature and deliberate opinion. He there spoke with no great respect of those by whom the Ballot was introduced among themselves. "*Neque lator quisquam est inventus neque auctor unquam bonus.*" He inveighed against the Ballot as calculated to destroy the legitimate influence of the higher class, as operating as a shelter to corrupt votes, as raising the populace against the Aristocracy, and as consigning the most important affairs of State to the guidance of a mob. He gloried expressly in this circumstance, that he himself had been elected to the office of consul by a *vivâ voce*, and not by Ballot, election, and suggested as a mode by which it should be rendered beneficial, that it should become a *nota optimatibus.* This very quality of secrecy, therefore, for which the English House of Commons was so earnestly contending, was, upon the authority of Cicero, found by the practical experience of the Romans to be a vice of which the system of ballot required to be purged. America formed the first example of the extensive use of the Ballot among modern states, and was consequently most frequently insisted upon. The opinions respecting the effect of the practice there were so various, that it was almost impossible to reconcile them. For his own opinion, he thought that all the evils of a contested election existed in America to as great an extent as in England, probably with the exception of bribery. The American newspapers were full of all the bitterness and acrimony of electioneering hostilities, and all the tricks and manœuvres of electioneering tactics. The noble Lord (the Member for Lancashire), who had had the advantage of some local observation, informed the House in an early debate on this subject, that the effects of the Ballot in America were at least doubtful. The right hon. Member for Essex, now a Peer, had said that the Ballot had been actually rejected in Virginia, and the hon. Member for Oldham, who probably knew as much of America as any other Member, had said with a very significant nod of his head, in the last debate upon this Question, that if he pleased he could disclose some secrets about the Ballot. Was this then the experience upon which hon. Members were to be called to adopt the Ballot? Was its failure in America to be prognostic of its success in England; and were they so enamoured of strange fashions that nothing would suit them, but that they should deck themselves out in the worn-out garments of the Americans? But what analogy was there between the state of England and the state of America? The Government of America was wholly and essentially republican, and if once the House of Commons were to admit the principle of adapting the American republican form to our monarchical institution, where could the imitation be expected to end? They might as well take, and probably, if they once entered upon the course, it would not be long ere they were called upon to take, the example of the American President, and render the Sovereignty itself periodical and elected by Ballot. It was somewhat singular, he trusted not ominous, that almost all the examples of the extensive use of the Ballot were to be found among Republican states, France forming the most striking exception. France did not form an exception when the Ballot was introduced there, and how long she might continue to form an exception who would be bold enough to predict? Since hon. Members had laid some stress upon the example of France, it might be well to consider for a moment to what that example was entitled. Though France was now free, she had only just escaped from the trammels of the most galling despotism under which a nation had ever languished. In other countries the power of the Crown had been measured or controlled by some other power—by the power of the Church, by the power of a future liability, or by the power of the people; but in France, from a very early to the latest time—from the reign of Louis 11th, at all events, until the close of the reign of Bonaparte, with one short interval of anarchy, the power of the Monarch had been sole and supreme — undivided and uncontrolled. Accordingly, as might be expected, almost all the recent institutions of France were directed against the power of the Crown. It was not personal influence nor pecuniary corruption against which the Ballot was directed, but it was the power of the Crown; and if there was any value in the analogy, hon Members must be prepared to advocate the use of the Ballot, not only at elections, but in that House. He would ask any hon. Member, whatever his political opinions, if there was danger proceeding from any quarter in this country from the excess of power while that danger proceeded from the direction of the Crown? And did it at all follow, that because the Ballot might be found to answer among the French, while they were yet in the very bud of their liberty, that it should have the same effect upon the ancient and long established institutions of England? He had heard that the French were emulous of our constitution, and it would be new to him to learn that England should copy France. Much as he admired the manliness, and more, if possible, the moderation with which the French had in later days vindicated and asserted their free institutions, he for one, in seeking to repair our own institutions, was not willing to look for an example in a country, in the earlier pages of whose revolutionary history he was of opinion this country might take a salutary warning against the extravagancies of political speculation and the excesses of political frenzy. And in the latter pages of the same history, down to this very day, he thought we might study with equal advantage the effect of a King struggling to sustain a tottering and equivocal throne, of a Peerage without permanency, property, or independence, and a House of Commons without consistency, steadiness, or discretion. This was the view he had taken of the various arguments that had been adduced in support of the Ballot, and for the reasons he had assigned he must at all times vote against it. If it would prevent bribery, if it would remedy intimidation, if it would even mitigate many of the evils by which the present system was unquestionably attended, then it might be beneficial but that, or anything approaching to it, he did not believe would be the effect. His firm conviction was, that instead of mitigating it would aggravate many of the evils that were at present experienced, and also introduce many new evils proper to itself. They who objected to these inroads upon the institutions of our country were not to be called upon to show they ought not to be made: it was not for those who were in possession to prove a good title, but it was for those who impugned that title to make out that theirs was better. He did not believe that this experiment would afford any such proof. This proposed practice of the Ballot would be an innovation of our National Institutions and a violation of our national feelings, to which he trusted the House of Commons would not readily be brought to submit. Publicity had hitherto proved the life and soul of English Institutions, English character, and English habits. We never had done, and God forbid we ever should do, things as if we were ashamed of them and obliged to perform them in a corner. The character of the nation was at stake. As long as voting continued open, as it was at present, we had at least some security in the value which every man placed in the good opinion of his neighbour, and in the maintenance of his own character for consistency and truth. Let the House of Commons take away the great sanction of safety and publicity, and it took away one of the strongest ties by which men were bound to the discharge of their public duties. He dreaded as a national calamity, and deprecated as a national disgrace, underhanded, clandestine proceedings; and he should not be frightened from the propriety of that by the un-English prejudice, and what to some persons might seem the charm of novelty. He trusted that in this instance hon. Members would be found staunch to the example of their forefathers, and that they would spare their memories and themselves the degradation of selecting to do that in the dark which their forefathers had done, and inculcated upon them to do, openly and manfully in the face of day.

Mr. *Ward* was anxious not to give a silent vote on the present occasion. Hitherto he had voted against the introduction of the Vote by Ballot into the electoral system, not because he disapproved of it, but in consequence of his mind not having been made up on the subject. The arguments against that system which had been so ably concentrated, and brilliantly enforced by the hon. Gentleman who had just sat down were applied chiefly against the utility of adopting the principle of secresy when that of publicity was the recognised spirit throughout the range of our institutions. He admitted that it did appear to be an anomaly that just at the time we had been extending the franchise—which was to give the very essence of publicity to representation — a measure should be proposed calculated to make the voting secret. The strangeness of this, however, disappeared when it was remembered the danger under which the voter laboured of suffering from coercion. Voters were in the same situation as the subjects of an arbitrary Monarch. Did the hon. Gentleman mean to tell them that if they were in another country, with the unfriendly region of Siberia in the background, that the Ballot might not give protection to a voter and to his family, and shield them from the effects of despotic power? Just in such a situation was the present constituency of this country. The case in favour of the Ballot was not made out by looking at the working of the present system. It was said by the hon. Gentleman that the theory of free representation was the right of every Englishman to give his vote fearlessly in the face of God and his country. But the question arose, can this be done? In the late elections he was convinced that in half the cases where the elective franchise was exercised the voters could not give a conscientious vote without entailing upon themselves and families consequences the most fearful, the voters being equally under control with the serfs in Siberia. With regard to the advantages of open voting, he would first take the situation of those who were tenants at will, created under that clause in the Reform Bill which bore the name of the noble Marquess opposite (Marquess of Chandos). Now in the nature of things as they at present existed, taking into consideration the precarious value of agricultural produce, was it likely the influence possessed by the landlord over the tenant would decrease? But as it was, he would ask any hon. Gentleman acquainted with this class of voters where there could be a set of men more entirely subservient to their landlords than the tenants at will? They were not only dependent, but they were almost the property of the landlord, and to such an extent did this belief obtain that it had been considered highly improper for one landlord of a neighbouring estate to canvass the tenantry of another. This was reducing the people to the level of the villains of the Saxon and Norman times, instead of maintaining them in the sturdy independent state so justly eulogised by the hon. Gentleman opposite. Independence under such circumstances was a mere name, a complete mockery, just as if the Reform Bill had intended to give the great proprietors a number of votes exactly proportioned to the number of their acres, and contemplating that one voter should be a Reformer, because he held property of the Duke of Bedford; and another a Tory, because a tenant of Lord Rolle. To go from the land, and to look at the effects of the same system in the towns and boroughs of the empire, it would be found equally prejudicial. What effect had the open voting on the tradesmen and 10*l.* householders of those places? He had seen it in fifty instances. The candidate proceeded from house to house, generally in the company of some influential Gentleman in the neighbourhood, who, if the voter proved at all refractory, gently hinted that his custom was worth having, and that if he (the tradesman) did not vote as he (the Gentleman) wished he should have no more of his custom, and that there were other tradesmen more accommodating in the neighbourhood. The Ballot would effectually put an end to that, besides, it would gradually put an end to the system of canvassing, which he thought most desirable. The hon. Member for Derbyshire (Mr. Gisborne) objected to the time at which this Motion was brought forward, but on a question like the present, which was only gradually though surely making its way and acquiring most respectable and influential converts, it was impossible all at once to expect that any Government could be completely united with respect to it. Naturally reluctant to depart from the ancient system many might be, and he had yielded only to conviction. The Ballot might be called an un-English system, but he considered it one by which alone the virtues of Englishmen could be protected and their liberties secured. He wanted to know whether there was not also something substantially un-English and mean in the present system of *espionnage* which was known to be resorted to even in this city by hired agents, for the purpose of prying into the manner in which individuals may have voted? He had witnessed so much of disgusting coercion in the present system, that, apprehending none of those evils fancied by hon. Gentlemen on the other side of the House likely to result from the adoption of the Ballot, he was prepared to give his hearty and earnest support to the original motion.

Viscount *Howick* agreed in thinking it unnecessary to notice most of the arguments, which had been used, and in stating the reasons which induced him to oppose the Motion of the hon. Member for the city of London, he should not think it necessary to dwell on the practice of the Ballot being un-English, and of its being immoral; still less should he speak of the legitimate influence, as it was called, of property. He was not one of those who under the name of legitimate influence of property wished to maintain that which he thought a degrading and oppressive tyranny on the electors of the country. With respect to the object said to be aimed at, there could be no possible dispute. What they all wanted was the fairest, the freest, and the most impartial system of election which all things considered, it was in their power to attain. That was so plain that he thought no words were required to prove it though the hon. Member for the city of London had wasted on it many refined and metaphysical arguments. But though the hon. Member had laboured that part of his case much, it was not so with the means of carrying the proposition into effect. In truth, he had been greatly disappointed in the means by which the hon. Member for the city of London proposed to carry into effect the system of secret voting, so as to accomplish the important ends he had in view. The hon. Member seemed altogether to have passed over what formed the whole difficulty of the Question. The hon. Member merely brought forward his resolution in favour of the Ballot, without stating one word as to the machinery by which that system of voting was to be carried into execution; still less had he said one word as to the manner in which the secret voting which he recommended was to prevent fraud and the admission of improper voters. He had sat on many Election Committees, and he must say, if intimidation had existed, the utmost partiality and unfairness had to, at least, as great an extent been complained of on the part of returning officers. The hon. Gentleman had not in the slightest degree provided against that evil. Perhaps it might be said that on the introduction of his Bill, the hon. Member would be prepared with machinery which would prevent fraud, and by which secresy would be effectively enforced; but, apart from that preliminary objection, how was the system of secret voting to prevent all those evils to which so much allusion had been made? The hon. Member had divided his subject into two parts. First, as to intimidation, and, secondly, as to bribery. Intimidation was no doubt carried on at present to a great extent, and particularly among tenants at will. But was it not obvious that if secret voting were established the landlord would exercise all his remaining influence to ascertain the way his tenant voted? And landlords who had now no scruple in having recourse to intimidation would go subsequently to the election, and ask the tenant upon his honour did he, or did he not, vote in such or such a way. He would put a case where a landlord had fifty tenants, and, with strong interest in favour of a candidate, was determined to carry the election. He might give out, and he had the power, that he would punish all those who would not give a positive promise in favour of this candidate. How was it possible to prevent the landlord, subsequent to the election, going round among his tenants and asking them which way they voted. Could they prevent the landlord from adopting such a course if he chose? Perhaps, some might say that there would be no fault in giving a false answer. He would not, however, go into the dangerous metaphysical question whether such a line of conduct would be justifiable or not; but he would say that it would be bad to trust to such a declaration, and it would be a dangerous example to the children and other members of a family if it ever should become the practice for a voter to give a false answer to such a question. Besides, while the Ballot professed to protect the vote, it would deprive the elector of that legitimate influence of character and respectability which was most important of all, and which his openly taking part in an election invariably secured, Much had been said about the intimidation practised during the last election; but he would venture to say that in 1826 the tenant was just as much under the influence of the landlord as at present, and intimidation was carried to as great an extent. But even admitting that intimidation had been practised to a great extent during former elections, he would say that a corrective to the evil was daily gaining ground—namely, public opinion, and candidates were so convinced that it was dangerous and invidious to have recourse to such a practice, that they often found it advantageous to refrain from exercising the power which their property gave them. For himself he could say, that when he had contested the county he had the honour to represent, he had more votes by giving up all influence than others had obtained by undue means, and he was quite convinced, that when that opinion became prevalent, as he had no doubt it would, there would be no occasion for the Ballot. The system of *espionnage* to which the hon. Member for St. Alban's had alluded as connected with the present system, would, in his opinion, be the certain inevitable consequence of the introduction of the Ballot. Its very first effect would infallibly be an organized system of spies to ascertain whether persons voted according to their promises, which would create heart-burnings and jealousies among the lower classes, that must put an end to all social peace and comfort. The hon. Member for Cornwall stated, in support of the Ballot that the party with which he (Lord Howick) acted were, in general, very much worsted at the late election. It was impossible to deny the melancholy fact, that they were so in a great number of cases; but he did not attribute it to the same cause as the hon. Member. It was much more owing to the effect of delusion practised on the minds of the voters than to compulsion. It was the effect of the cry that had been raised—that nothing had been done by the Whig Government for the agricultural interests; and Gentlemen were returned who promised that they would procure the repeal of the Malt-tax. That circumstance went further to explain those defeats than the want of the Ballot. He believed the Ballot would not have made the difference which some Gentlemen seemed to anticipate. The hon. Member for the City of London stated that the Ballot would not only pluck up intimidation by the roots, but throw great embarrassment in the way of those who wished to corrupt the electors. That was an extraordinary argument.

Mr. *Grote*: I said the Ballot would produce two separate effects,—it would pluck up intimidation by the roots, and greatly embarrass and restrain the practice of bribery.

Viscount *Howick* did not think the Ballot would throw great embarrassment in the way of those who wished to corrupt the electors. So far, indeed, from its having that effect it would tend in a great measure to secure impunity to those who were guilty of bribery. The hon. Member said, that nobody would think of purchasing a vote which he did not know would be given in his favour. But that was not the manner in which bribery to a large extent was carried on. When bribery was to be practised on an extensive scale, it was almost invariably carried on in this manner:—A voter was told, provided such a candidate was returned, he should receive a present fourteen days after the meeting of Parliament, so as to run no risk of a petition being presented; and accordingly a certain number of blank covers with 10*l*. or 5*l*. were regularly directed to the electors, for having used their virtuous influence in procuring the return of so incorruptible a Member. Bribery was conditional on the success of the candidate for the most part; and, instead of the Ballot being an obstacle to its practice, it would, in his opinion, very much furnish facilities for it. The House would now probably think that he had dwelt at sufficient length upon the greater and more important effects which the Ballot, if unfortunately it should ever be agreed to, would be likely to produce on the social condition and moral character of the country; he should, therefore, now request their attention to one of the minor advantages which were expected to result from the change contemplated by the hon. Member for the city of London. It was the opinion of that hon. Member that the use of the Ballot would allay political animosity, and that open voting had the effect of exciting private feuds. Its probable efficacy in suppressing those feuds he very much doubted; of its insufficiency to do so for any great length of time he felt pretty nearly assured; but even admitting that there did continue any great degree of animosity after contested elections, he would maintain that even those unpleasant results had much better be encountered than the more dangerous consequences that must ensue from a suppression of opinion. It was notorious that in America the Ballot did not prevent such feuds, and he, therefore, saw none of the advantages which the hon. Member described as its results. It was not without some regret he observed that the opposition of those who with himself differed from the hon. Mover assumed the form which it had done in a Motion of the previous Question. If it had remained with him to decide the way in which it should have been dealt with, he should greatly have preferred to meet it by a direct negative; but, at the same time, he was perfectly ready to acknowledge that, in the reasons urged by the hon. Gentleman who had moved the previous Question, there was considerable weight. There was much force in the remark, that many Gentlemen who fully felt the existing evils would rather wait for a little, and, before they pronounced a decided opinion, make themselves acquainted with the view taken of this subject by the Committee to whose consideration intimidation at elections and bribery were, amongst other subjects, connected with the conduct of elections, referred. That was certainly not an unreasonable wish, and yet he could not help regretting that the previous Question had been moved; and were it not on account of its having the effect of putting the House to the unnecessary trouble of two divisions, instead of one, he should be induced to divide the House first against the Amendment, and afterwards on the main question. The noble Lord concluded by emphatically declaring, that he was decidedly opposed to the plan of voting which had been recommended for their adoption by the hon. Member for the city of London.

Mr. *Charles Buller* began by adverting to the argument which, by an hon. Member on the other side, had been founded upon the assumption that the Reform Act constituted a final and conclusive measure, that the Government proposing that measure, and the Members of the Legislature by whose votes it had been carried, were bound irrevocably to consider it as a complete and perfect decision, which was never afterwards to be disturbed. Against being so restricted he begged, most unequivocally, to protest. So far from considering the measure of reform a final measure, in that sense of the word, he wished distinctly to declare that he did not, in the least, consider himself bound by it. He had always held, that he remained perfectly at liberty, after having obtained an extension of the franchise, to demand that further privilege, which could alone secure the free exercise of those enlarged elective rights. There were some arguments used on the other side, to which, if any reply were expected, he might undertake to say, that, so far as he was concerned, that expectation would be disappointed. He could scarcely bring himself to think that it would be otherwise than an abuse of the patience and indulgence of the House, if he were to occupy their time with very minutely discussing the arguments, which, in the course of the debate, rested mainly for their value upon quotations, or upon names and dates: he had had experience enough of that House not to put the most implicit confidence in the sort of history which sometimes occupied a prominent part in the discussions of that House. He was not inclined to make an exception from this rule in favour of the quotations of the hon. Member for Reading. He, therefore, should pass by without further notice the emphatic nod which had been referred to, of the hon. Member for Oldham, a quotation from a dialogue of Cicero, with the names of the speakers in which they had not been favoured; and he should take equally little notice of certain passages from American papers, penned amidst all the heat and acrimony of a contested election. The hon. Member for Reading, with that zeal for the Reform Act which now characterized its former opponents, protested against altering it. The hon. Member said, that the Reform Act was a sufficient guarantee for the independence and rights of the electors of England. The hon. Member had asked, what had occurred since the passing of the Reform Act to render necessary any additional guarantee in the shape of the Ballot. He replied,—the experience of two general elections. The result of those two elections showed that the Reform Act was only efficient as a general guarantee for the people against wholesale tyranny on the part of their rulers, but that it was totally unavailing against the influence of intimidation at elections. Were they now to be called on to rest contented with the Reform Act, and to view it as the completion and perfection of legislative wisdom. What! were they so to consider it after two general elections had proved that, without the Ballot, Reform was worse than nothing, or if good for anything, could only operate in times of great excitement, when it might be too late to remedy encroachments upon public liberty and property, which previous intervals of apathy might have facilitated, and when the other advantages derivable from an extended suffrage were, at least, problematical? It was the steady, uniform, and equable action of the popular will that they desired, and not those occasional bursts that might sometimes frustrate the very purposes which they were intended to promote. The noble Lord who spoke last, in order (with, he must say, indiscreet zeal) to get up an argument against the Ballot, gave up the popularity of the Ministers. The noble Lord said, that the result of the last election had not been obtained by means of intimidation used by the opponents of the Ministers, but through a species of delusion which happened to prevail throughout the country. Now, in his humble opinion, this was purely an old Tory doctrine which the noble Lord had advanced. "It was not because intimidation was used by the candidates against us that we were beaten," said the noble Lord, "but because we were represented as despoilers of the Church and the friends of Popery." This was the delusion which was kept up, according to the noble Lord's theory. Did he not see, that, by admitting this, he was admitting, with the Tories, that the change at the elections was caused by an expression of the genuine sentiments of the electors, which, however unwise and absurd, must be allowed to be an evidence of public opinion. The noble Lord used the very language of his opponents, not perceiving, what he thought was obvious to all the world, that "delusion" and "sound Conservative feeling" were absolutely convertible terms. The noble Lord had, in particular, referred to the delusion practised in reference to the Malt-tax. What was the real state of the case? It was not that liberal Members were rejected in counties on the occasion of those elections to which the late change in the Administration gave rise, on account of those Members having voted in favour of the Malt-tax, contrary to the expectations of their constituents—that was not the cause of their rejection, but the direct and strenuous exertion of influence possessed by Tory landlords and parsons. Many calling themselves Conservative, had voted for that tax, and, in that respect, they had but little to boast of, but they were re-elected when the clergy and the aristocracy were on their side. It was not against the displeasure of the people, whatever delusions might have been practised, that the liberal candidates had to contend, but against the influence of a portion of the landed aristocracy and the power of the clergy, for whenever the voting proved adverse to popular principles, the cry was, that it proceeded entirely from a sound Conservative feeling; whereas, when it went the other way, the observation made was, that the change arose from the practice of delusion having been detected. If that delusion really existed in the manner in which they had been told it existed, it could not have been so limited in extent; it would have been more generally and uniformly diffused. How would the noble Lord account for the very partial effect of that delusion in Norfolk? How did it occur that whilst the eastern division of the county returned two Tories, the western division returned its old Liberal Members? The solution of the mystery was simply this; that the landed proprietors of the eastern division were chiefly Tories, and that the land of the western division is divided between two very great Whig proprietors. How did it happen that the Members for the northern division of Devon were Whigs, while in the southern division a Whig was replaced by a Tory? The noble Lord could not suppose that the election in the northern division was influenced by the result of the subsequent vote upon the Malt-tax, or by a wise foreknowledge which led the electors to avoid running the risk of being honoured by the services of any representative who was likely to fall a victim to the effects of "inspiration." The result of the two elections shewed that in that county, as has been the case in many others throughout the United Kingdom, the influence of property was omnipotent. If the delusion ever existed, nothing had then occurred to dispel it. It ought to have been as potent in the north as in the south of Devon. He did not know how the noble Lord could account for the difference between districts so near and bodies of men so similar. He would explain it by the fact, that the mass of property in the south of Devon is in the hands of the Tories, and that of the north is in the possession of Reformers; and however convenient inspiration might be in that House, the greatest care seemed to have been taken to prevent tenants from being inspired otherwise than as their landlords might wish. How did the noble Lord, even admitting that delusion prevailed on the subject of the Malt-tax before the last general election, account for the result of the three late elections for three counties of Great Britain? Had any new delusions sprung up which misled the people? Did not the noble Lord know that neither the miserable "No Popery" cry, nor the vote upon the Malt-tax had influenced the minds of the electors on the occasions to which he referred? Had the noble Lord not learned, bitter as might be the mortification of acknowledging it, that the result was produced by the general enmity of the gentry and higher classes to the present Government? And had he not yet learned, too, that the only efficacious means by which the corrupt and sordid influence which had been exercised against that Government could be counteracted, was by giving the people, who were friendly to the Ministry, that protection which would enable them to exercise their franchise with freedom and independence? How did the noble Lord account for these delusions on questions of general politics having prevailed comparatively so little among the more independent electors of our towns, and so generally among those agricultural voters who were subjected to aristocratic influence? The way in which that operated had been curiously exemplified during the late election for South Devon, and an analysis which he had procured of the mode in which the suffrages had been recently given in that place might not be undeserving the attention of the House, from which analysis he trusted it would be sufficiently apparent that it was not the fear of the Pope, but of the landlord and the parson, that influenced the electors. The measure of Reform introduced by the Government of Lord Grey enlarged the franchise in the towns, and gave increased power to the independent voters throughout the country; but there was another great Reformer who about that period stood forward in the Legislature, no less a person than the noble Lord, the Member for Buckinghamshire. He, too, was resolved to try his hand at Reform, and thereupon he was received with the warmest applause by all who had been theretofore considered the most implacable foes of all or any reform. The noble Lord declared himself determined to vindicate the rights of the 50*l.* leaseholders, and came forward in the noblest manner for that purpose, sustained by the cordial approbation of all the friends with whom he had been in the habit of acting. The statements to which he should now proceed to call the attention of the House contained evidence of the most conclusive and satisfactory kind, to show that the noble Lord opposite, recently a candidate for South Devon, had been rejected by the dependent, and not the independent, portion of the electors: he was rejected by a majority of 627. He was aware that that circumstance would be referred to as a proof that a reaction had taken place in the public mind, and as evidence that a material approach to Toryism had been made throughout the country since the last general election, but he entreated attention to facts. In counties, the persons principally independent of the higher classes and the parsons were the freeholders. Now, the numbers of the freeholders polled for both candidates were within three of each other, those for the noble Lord being 1,894, while the numbers for the hon. Gentleman were 1,897. The former polled 1,237 leaseholders, while the latter had as many as 1,840; thus the House would see that the sitting Member gained his majority solely by leaseholders. But the analysis was more curious if they looked to particular districts. In the Plymouth district the hon. Gentleman had a majority of fifteen over the noble Lord; but for the latter 340 freeholders polled in this district, and only 246 freeholders supported his opponent; while the noble Lord received but 302 leasehold votes, and the hon. Gentleman 404. Here the majority of independent voters obtained by the noble Lord was beat down by a dependent majority for his opponent. He would next mention Tavistock.—[*Cheers.*]—He was glad to hear those cheers; they proved that the remarks he had made were not without some force. Hon. Members might think that Tavistock would display facts adverse to liberal principles, while it was exactly the case which best suited the purposes of his argument. He was aiming to establish this truth, that the effect of the Reform Bill was to extend and consolidate the influence of property, and the statements which he held in his hand proved incontrovertibly that it was only where the influence of property came in to the aid of the noble Lord that he could obtain the support of the leaseholders. The state of things in the Tavistock district proved this and nothing less, that the leaseholders that were as dependent as they were elsewhere, for there the noble Lord could command 180 leaseholds, while the hon. Gentleman had only sixty-six. But there were four town parishes in that division of the county which formed a striking contrast to the condition of the rural districts, for there the numbers for the noble Lord were 277, while those for the hon. Gentleman were only 128. In the Exeter district, where Lord Rolle, Sir Thomas Acland, and the dean and chapter possessed great influence—he hoped he might be allowed to call the last mentioned body great Tory landlords—the noble Lord could command only thirty-four leaseholders, yet his opponent had the suffrages of 249. In the district of Honiton, in a parish where the principal landowner was an old and known supporter of the noble Lord's party, every freeholder except one, and that was a clergyman of the parish, voted for the noble Lord. It might, perhaps, be said that Lord John Russell lost his election because he was supposed to be unfavourable to the claims of the agriculturists. Now, it was remarkable that the distresses of the agricultural interests were never so much as mentioned during the election. Besides, their distresses and their claims had too recently been disposed of in the House, and by the Conservative Ministry. Certain it was that the Gentlemen who had so recently been returned to the House for the southern division of the county of Devon never appeared under the engaging and amiable character of the "farmers' friend." The strictly agricultural voters when independent voted for the noble Lord, as in the parishes between Plymouth and Tavistock, where all the voters polled for him, in opposition to the landlords. A very curious case appeared of two parishes in South Devon, which perfectly illustrated the position he had taken in reference to this point. Both these parishes were chiefly inhabited by farmers, who had always been of the same political opinion; and had, consequently, always voted for the same candidate at Elections. One of these parishes was the property of a landlord, and the voters were his tenants; the other was occupied by yeomen, living on their own property, by right of which they voted. Now, in the first of these parishes at the Election of 1832, every elector voted for the Liberal candidate; but at the last election, the landowner having turned round to Conservatism, all his tenants very obligingly turned with him, and voted for the Tory candidate. In the second parish, on the contrary, all the yeomen voted, as they had been accustomed to do, for the Liberal candidate. After these statements, he thought it was not too much to say that the voters were not sufficiently free according to the present state of the law; for it appeared that when the landlord was a Liberal, they generally supported the Liberal candidate, but when the landlord was a Tory they also voted for the Tory, and if the landlord were to change to-morrow they would, doubtless, change with him. This result could not be said in many cases to arise from any peculiar feeling of fondness or sympathy which existed between the landlord and his tenantry. To illustrate that, he would merely allude to one nobleman, whose name he would not mention, who had resided a great many years abroad, and who had recently died. Under these circumstances it could hardly be said that it was on account of any feeling of sympathy, or any high regard for his virtues on the part of his tenantry, that this nobleman's tenantry all went round with him at the last election. No. The fact was simply this, that the noble landowner was one who did not grant leases to his tenantry, and, therefore, had them effectually under his control. He must confess that he thought the principle of the Ballot had exceedingly good prospects at the present moment. He did not mean to say that the majority of the House was yet in its favour; though it had met with some recruits amongst its Members. The hon. Member for St. Alban's, for one, had that night given the Question his support. He could only say that they were proud of such support. The noble Lord opposite was not yet a convert it was true; but he hoped that the day of his conversion was not far distant. The noble Lord had hemmed the Question round within the narrowest possible limits. He had thrown over all the old Tory dogmas of the legitimate influence of property, and such like, and merely confined himself to the hypothesis that, in practice, the Ballot would not be effective. That was a matter, however, which certainly could not be proved until it had been fairly tried in the country. One of the noble Lord's objections to the Ballot was, that the voter, after all, would not be able to keep his secret—that he would reveal his vote to his wife, or to some pot-house companions, or even that there would be spies set upon him, to discover how he had voted It had even been suggested by the noble Lord that the landlord would boldly demand of him how he had voted, and construe his silence, if he refused to reply, into a confession of having voted contrary to his wishes. Now he (Mr. C. Buller) could not believe that the landlords of England would be so base and tyrannical as the noble Lord had pictured them. No doubt, under existing circumstances, the landlord would be willing to use the influence which he found placed in his hands to forward his political views; and, would, if he was thwarted by his tenant, feel inclined to vindicate his wounded dignity. But he could not believe that if the law was altered, and this direct influence taken out of the hands of the landlord, that he would be so base as to employ spies over his tenantry, and listen to the tittle tattle of a man's wife to find out how he had voted. Now, with respect to bribery, he admitted that the Ballot would not entirely do away with this evil; but he believed that except in cases where candidates were enormously rich or powerful, the Ballot would go a great way towards remedying bribery. No human precaution could prevent the existence of evil, and he should be content with the Ballot if it rendered bribery uncommon by making it enormously expensive. The hon. Member for Reading had referred to the experience of France against the Ballot; but, in his opinion, that was entirely in favour of the Ballot. It was true that during the early period of the Revolution Danton and Robespierre had expressed an opinion against the Ballot. But why? Briefly because the demagogues who tyrannised over the people did not choose the voice of the country to be heard. In 1795, however, the Ballot was adopted, not from any improvement in the two men he had mentioned in the arts of revolution, for they had been dead for two years, but from the progress of improvement, and it told much in favour of the Ballot that France immediately afterwards made a rapid advance towards a tolerable system of representative government. Again, as to the supposition that the landlord would wring the truth from the tenant as to how he had voted, he should be told he knew that the tenant would have no other refuge against the landlords questions than falsehood. Admitting that it brought him to the question of the immorality of the Ballot, and he apprehended no more danger to public morals from giving the tenant a power to save himself by an untruth, than there now was from indulging in any of those harmless evasions which might be traced in every part of society. He believed that if it were to be established by law that a lie in such a case should be justifiable, no more fault would attach to the man who uttered it, in reply to an impertinent or tyrannical question, than to the servant who, by custom of society, says that his master is not at home, when in reality he is in the house. He did not suppose that the dependant voter would be so garrulous as some Gentlemen expected. Electors had in many instances been known to keep their own secret before their votes were given, there was little danger of their indiscretion afterwards, when so much would depend upon their silence. He had known several instances of a man, whose mind appeared to have been thoroughly made up all the time, from the readiness with which he subsequently gave his vote, yet, nevertheless, so cautious of precipitating a discovery which might momentarily compromise him, that it was utterly impossible, up to the very day of polling, for anybody to make out on which side he meant to vote. He could not, therefore, conceive, that the same class of men would be guilty of indiscretion, when so much might depend on their silence. He believed that the landlord who should endeavour to extort promises or information from such persons, would run great risk of being deceived; and he said again, that falsehoods uttered with the necessary and justifiable purpose of enabling a voter to discharge his duty to the public, would not diminish the own self-esteem of that voter, or degrade him in the eyes of his fellow men. But the question was not settled by establishing, that certain immoralities would be the consequence of secret voting; the question was, from which of the two do the worst evils result; from open voting, or from concealment? The advocates of open voting could not endure these modes of viewing the subject; their hearts always rose at the glorious prospects which the practice of open voting presented; when they saw electors drunk and rioting, they laid their hands on their hearts and said, that was English freedom, that proved the proud superiority of Britain, and how one Englishman was able to beat ten Frenchmen. He would now come to some of the advantages of the Ballot; it would, in the first place, be incompatible with Tory domination; it would free the voter from the double intimidation to which he was at present subjected, for he was generally threatened and solicited by both parties. He remembered in the small borough which he had the honour to represent, having on one occasion devoted half an hour in endeavouring to persuade an elector to vote against him (Mr. C. Buller) fearing the man might vote for him, in consequence of any influence he might have over him. [*Laughter.*] He did not understand that laugh. He supposed the hon. Gentleman who uttered it thought it to be an impossibility that a man should be so conscientious, or have a disinterested regard for the feelings of another. But he would reduce the whole matter quite to their level, and render it perfectly intelligible to them. The fact was, he was already assured of a majority of 200, and therefore the House would not overrate his magnanimity. He must add that it was an occasion on which forbearance, or, perhaps, generosity, was necessary. Intimidation before, and persecution after, had been practised by the vanquished party; and had not his friends forborne to exercise retaliation, in consequence of the good humour natural to victory, that town would have been in a state which it would be terrible to think of. The same was, he was convinced, the condition of all the other towns similarly circumstanced in England. There was one other great recommendation of the Vote by Ballot. If it were adopted elections would be less under the influence of popular excitement and public agitation than at present. He was not favourable to agitation when carried beyond the necessary limits. The liberal party in that House, and in the Government, knew that a great majority of the property and station of the country was against them, and that they had an active and zealous clergy to contend with also. To counteract this double influence they were obliged to have recourse to agitation, and to excite the people to the highest pitch for the purpose of inducing them to preserve their political rights. If the Ballot existed there would be nothing of this. The party in the State which felt most secure, in a consciousness of its purity, and the consequent support of the people, would refrain from all agitation and excitement, and thus these dangerous political intruments would come to be disused altogether. His hon. Friend had been taunted with bringing forward his Motion in the present state of public feeling; but his hon. Friend had a much truer perception of the great importance of the question it involved, as well as a much more proper appreciation of public feeling on the subject than those who taunted him. He was perfectly convinced of the great magnitude of the evil, and the perfect character of the remedy proposed by his hon. Friend; and he also believed that, notwithstanding everything that had been done in the way of Reform, the public would hail this guarantee against oppression as the greatest boon of all. No man who hated persecution, who felt disgusted with the profligacy daily witnessed at elections, who wished well to the institutions of the country, and who desired their improvement rather than their destruction, could do otherwise than wish well to this question, and give his every effort to free this popular arm of freedom from the chains with which it was now shackled. Give the people the Ballot, and he did not believe they would feel uneasy about anything else. However luscious the fruits which any Ministers might spread before their gaze, they had sense enough to prefer to all of them the key of the garden-gate, and the power of helping themselves.

Mr. *Barlow Hoy* rose to explain. In reference to some expressions which had fallen from an hon. Member respecting the power which the Government would acquire by the Ballot, he begged to state that so long as individuals could return thirty or forty Members to that House, and as long as the 10*l*. franchise existed in towns, there was nothing to dread from the power of the Government.

Mr. *Milnes Gaskell* said, that he should have been perfectly content to leave this Question in the hands of the hon. Member for Reading (Mr. Russell) and of the noble Lord (Lord Howick) if he had not felt it to be one upon which every man that was possessed of honourable feelings was fully competent both to form and express an opinion, inasmuch as, notwithstanding all that had fallen from the hon. Gentleman opposite, the Member for London (Mr. Grote), notwithstanding all the ingenuity and ability which had been shown by his hon. Friend, the Member for Liskeard (Mr. C. Buller,) he could not remove from his mind the impression under which he had entered the House, and under which he was prepared to vote against the Motion of the hon. Gentleman, that there was something in the very act of voting by ballot, which was inconsistent with the habits of manliness and fair-dealing which had hitherto characterised the people of this country. Now, the first part of the speech of his hon. Friend, who had just sat down, (Mr. C. Buller,) he would altogether pass by; he agreed with him that an immense majority of the wealth and property of the country was opposed to the present Administration: upon that point they were entirely agreed, although they differed as to the causes of its unpopularity, and differed also in regretting it. The arguments which his hon. Friend had subsequently advanced, as well as those of the Member for London, appeared to him to resolve themselves into these: first, that the Vote by Ballot would operate as a check upon bribery, and secondly, that it would prevent intimidation. Now, first with respect to bribery. He agreed with the hon. Gentleman, that an open and undisguised traffic in votes could not be carried on with as much facility under the proposed system, as it was under the present one; but he was not prepared to admit that the gross amount of bribery would be at all diminished. The hon. Gentleman had himself admitted that wholesale and irresponsible bribery would not only remain practicable, but entirely unaffected by his Bill: his Mr. (Gaskell's) belief was, that it would be greatly increased, because the receipt of the bribe would be made conditional on the return of the candidate, and rendered, by that very circumstance, much more difficult of detection. His own belief was, that though there might not be so many positive sales and purchases of votes as there were now, the power of money would exercise a more dangerous, and a more destructive influence, than it had ever done, when Parliament had consented to supersede every better feeling and principle which was founded on the relation of landlord and tenant. But even if the hon. Gentleman's object could partially be attained, and the substitution of secret for open voting would tend to operate as a check against bribery, still surely it would not follow that the substitution should take place, unless the hon. Gentleman could also show that it would not be attended with a moral degradation, baser and more demoralising than bribery, and with the organization and extension of a system of fraud and duplicity, which would be more than sufficient to countervail every advantage that he proposed to derive from this change. Then, with respect to intimidation. He hoped that he was as little disposed as any man in that House, to say a single word in favour of the oppressive exercise of power, or to contend that the abuse of so high, and so important a trust, as that of property, was one which should be lightly passed over: but the hon. Gentleman could not check the disposition to use power oppressively: that remained unchecked by his Bill; and as long as it did remain unchecked, surely it was in vain to suppose that he could prevent the power from being exercised. The only difference would be, that ejectments would take place upon suspicion, instead of upon proof, and then not only would the individual cases of hardship be far more severe than they were now, but the moral evil arising from ejectment, beyond computation greater, from the constant jealousy and irritation which a system, founded upon distrust, must engender. Under the present system, an independent voter was sustained by the whole weight of public opinion; but the hon. Gentleman was going to suppress public opinion altogether—for how was it possible that public opinion could exist under a system in which men were afraid to discuss the fulfilment of their public duties, and afraid to avow the motives which had governed them in the execution of a public trust? He knew it was often said, that a landlord had no right to exercise irresponsible power: but if he had not, what more right had a voter? Both the vote and the property were trusts, and he had yet to learn that the elective franchise was a trust of less importance, or of less responsibility than property; and if it was a trust, surely it was conferred for the public benefit, and the public had a right to know how it was exercised; they had a right to know whether a trust which had been conferred for their advantage, had been exercised for their advantage too. He ventured, also, to claim for the Members of that House, the right to know by whom their public conduct was approved, and by whom it was disapproved. He claimed, also, for himself the right to know whether, in the event of an unsuccessful contest, he remained supported by the wealth, the independence, and the intelligence of the constituency which had sent him to that House. If the elective franchise was not a trust, then he should be glad to know upon what principle Parliament had consented to pass so many Bills of disfranchisement during the last few Sessions?—upon what ground they had consented to suspend the writ for Stafford the other day?—upon what ground had the 40*s.* freeholders of Ireland been disfranchised in 1829?—and, above all, upon what possible principle had the Reform Bill itself been passed? Surely, upon the admitted principle that the elective franchise was a trust—and if men were to be enabled to exercise this trust in secret—if the protection of secrecy was to be added to the possession of power—and every voter throughout the land was to be invested with an authority which was not only absolute, but irresponsible—why, Gentlemen might say what they pleased about the harshness and the tyranny which prevailed now, but he must venture to think that, under the system which they recommended, we should be living under a tyranny of a much more debasing and much more dangerous description. Certainly, if all voters were free from the operation of human motives, as some Gentlemen seemed to imagine, and if all landlords were monsters of cruelty, the Ballot might be desirable. If the gentlemen of England were the tyrants which the hon. Baronet, the Member for Cornwall (Sir William Molesworth) had represented them, and it was necessary that they should be hunted down as men that were incapable of appreciating the civil institutions of their country, he could understand the argument on which their debasement was sought for; but if Gentlemen disclaimed the inference, they should renounce the argument. The hon. Gentleman, he thought, had taken a very prudent course in declining to quote any authorities in support of his proposition. With authorities, the hon. Gentleman himself had told them, that he would have nothing to do. He would, perhaps, however, allow him (Mr. Gaskell), to remind him of Mr. Canning's definition of tyranny, and to ask him, whether he did not think that the Ballot would secure its prevalence? "Tyranny," Mr. Canning said, "was irresponsible power, and this definition of it was equally true, whether the power was lodged in the hands of one or of many. Idle, therefore, and absurd to talk of freedom, where a mob domineered!" It was the opinion of Mr. Burke, that private honour was the best foundation of public trust, and that the adequate discharge of social duties was in itself no mean step towards patriotism. Mr. Burke, therefore, must have been one of the foremost opponents of a change which took away so many incentives to the discharge of those duties, and made public trust a thing altogether apart from private considerations. He was not aware that the subject had been much canvassed till within of late years, but he felt sure that if it had, there would have been no end to the reprobation that would have been cast upon it by the great men of our own times, and by those who had gone before them—at least they had the advantage of knowing that all the great authorities of ancient times were arrayed against it: the hon. Member for Reading had truly told them, that Cicero had dated the downfall of the Roman empire from the introduction of the Ballot, and he, (Mr. Gaskell) could further inform the worthy Doctor who represented Kilmarnock (Dr. Bowring), that Pliny also had held a similar opinion. He knew that there was another argument in support of the Ballot, which was derived from the practice of other countries, and that France and the United States were instanced as examples of what this country might become under the proposed system. Now, he was not going to inquire whether the Ballot worked well in those countries or did not—the hon. Member for Reading, he thought, had very conclusively shown, that it did not; but in his (Mr. Gaskell's) opinion, there was a much shorter and a much simpler answer to this argument than any which could be founded on an inquiry into the practice of other countries. That answer was, that they were not legislating for a Republic. There might be some Gentlemen who were prepared so to legislate, but, thank God, the people of England were not yet ripe for a Republic, and not prepared to borrow their electoral code from Republican institutions. If they looked to the history of the past, they would find, that wherever the Vote by Ballot had prevailed there, bribery and intimidation had prevailed also; that in Rome, for example, no sooner was the Ballot introduced, than bribery and intimidation became extended and systematized; and that in the secret conclaves of Venice, fraudulent Balloting prevailed to so enormous an extent, that it was found necessary to punish a first offence with six years' imprisonment, and a second offence with death. They would remember, too, what was of much more importance than this—that their present system of open voting, which the hon. Member for London had called upon the House to discard, had secured to them through a long series of years, a better and an abler Representative body than any country in the world ever enjoyed—that it had ensured both safety to property, and freedom to discussion—that under this calumniated system, power had been met at every turn by right—arbitrary will kept in check by habits and customs—by a spirit of resistance always active and vigilant—and by that inherent jealousy of encroachments, which was at once the natural result of our freedom, and the best preservative of our independence and our power.

Mr. *Richards* congratulated the hon. Member who had sat down on the eloquence of his observations, and stated that he had never heard such a promising speech from so young a Member during his experience of that House. He should explain briefly why he meant to give his vote against, instead of for, the Motion of the hon. Member for London. At the election for Knaresborough, he was himself a severe sufferer from the want of the protection which the Ballot would afford against intimidation and persecution of all kinds. Letters had been sent from London to the Whig nobility and gentry in the neighbourhood to vote and influence the votes of their tradespeople and dependants in favour of the Whig candidate and against him. Their servants were in consequence sent out in all directions, and many electors of the town were from that reason prevented from giving him their votes. The tradesmen were especially obnoxious to that influence. All which he could have verified upon oath, if necessary.—Smarting under the effects of this course of conduct on the part of his opponents, he confessed that, in the moment of soreness and irritation he had leaned to the opinion that a protection was necessary; and he had therefore promised his friends to give the subject his best consideration. He had, however given them no promise; because, as he then alleged, he was afraid he might commit himself rashly, while his better judgment was under the influence of a natural feeling of resentment. So much he felt bound to say in explanation of the vote he was about to give upon this question. He should next offer his reasons for that vote. It was quite impossible not to give the utmost credit for good intentions to his hon. Friend, the Member for London, in bringing forward the Question before the House, and to believe otherwise that he did it from a most pure and philosophic conviction of its probable utility. The Motion before the House, however, divested of all its extraneous matter, appeared to him, (Mr. Richards) to resolve itself into the simple question—was it right or safe to take away the political influence at present possessed and exercised by property, and confer it on the democracy? He thought answering it in the affirmative would be dangerous in the last degree to property—to the social institutions of the country—and even to the democracy itself. It would be the fertile and certain source of violation of all law and order—of anarchy—of destruction of life and property—and lead most decidedly and directly to bloodshed and plunder. Scenes would be enacted in the country such as men shuddered to read of elsewhere. These consequences had been overlooked by the hon. Member for London. There was one argument which might be strongly urged against the Question, the absence of all necessity for it.—Twenty years since he (Mr. Richards) might have willingly adopted the Utopian notions of his hon. Friend, the Member for London; but the experience of that period of time had made him desirous of leaving well alone. Twenty years' experience of the blessings and prosperity of the country under those institutions, made him look with great jealousy upon any attempt to alter them; and he was convinced that in their protection every individual might enjoy all the liberty,—political, commercial, and social—which a reasonable man could desire. The effect of innovation in established institutions was dreadful. In France the first act of the Convention was extending the franchise to all who paid taxes. What was the consequence? Why, that the highest promise and most reckless daring obtained the representation of the country, and that ultimately the *poissardes* of Paris came to be the dictators of all constituencies within their influence or reach. This became so obvious to the French people, that after the lapse of a long period, when in 1822 they remodelled the Electoral colleges, to provide against the too general diffusion of the franchise they devised the mode of the double vote. But even that, too, they found ineffectual. With respect to the United States of America, he should say, that if ever there was a country in the world in which it might be safe to give supreme power to the democracy it was in that. Yet what was the fact? The interference of the democracy was found to be so troublesome, not alone in elections, but to the Legislative Assembly, that a Member of the Legislature, Dr. Woollaston, a Counsellor and a Secretary of State, had stated broadly that there was the greatest danger; that it would ultimately subvert the Government, endanger life, and destroy all order and stability in the State. If that was like to be the result in America what might not England expect if the democracy obtained the ascendancy. The history of the proceedings of the mob at Bristol—the dreadful recital of the conflagration—the murders and the robberies of that melancholy period answered the Question, and proved what was to be expected if the mob again acquired power.

Lord *John Russell* promised the House that he would not imitate the example of the hon. Member for Knaresborough (Mr. Richards), who, in his unconsciousness that the subject was to be brought under the notice of the House that night, had resorted to America and France for topics of discussion, the noble Lord then proceeded to the following effect:—I shall not enter, Sir, into all those subjects to which the hon. Gentleman has adverted; but what I shall feel it my duty to address to the House I shall address as directly as possible to the question now before it, and I will in the first place notice what my hon. Friend the Member for Liskeard (Mr. Buller) stated in the commencement of his very able and argumentative speech —namely, that he did not conceive himself bound, in voting for the Reform Bill, o refrain from voting at any subsequent period in favour of the adoption of Vote by Ballot. Sir, I have only to say upon that subject, that in bringing forward the Question of Reform, I stated to the House that I considered the Questions of Vote by Ballot and the duration of Parliaments should be entirely distinct and separate subjects, upon which either those who brought forward the Reform Bill, or those who gave that measure their support, must subsequently take such a line of conduct, as upon consideration, might seem to them the best and the most proper to be pursued. But I added, with reference to the Vote by Ballot, that I hoped Parliament would long pause before they vested in any set of persons an irresponsible power; lest, while by introducing a system of secret voting, they prevented bad influence over the good they might, at the same time, prevent the exercise of good influence over the bad. Now, Sir, the sentiments I expressed at that time are very little different from the sentiments I entertain at the present moment—sentiments which I must say have not been at all changed by the speech of my hon. Friend the Member for London (Mr. Grote); for my hon. Friend having pointed out the method by which Vote by Ballot might be secured, and having endeavoured to obviate the objections raised by my noble Friend the Member for Northumberland (Lord Howick), as to complete secrecy being ensured by any mode or machinery that might be adopted, applied himself to an argument which has been frequently urged against this mode of voting—namely, that after all, the landlords, and those who wished to exert influence over the voters, would be able to find out the way in which their tenants and dependents intended to vote, and consequently be enabled to exert the same influence as heretofore. To this argument my hon. Friend gave two answers, and two answers which, I think, show that we have not yet sufficient grounds to abandon the old method of voting, and to adopt one that is entirely new. "I own," so said my hon. Friend "we must trust to the forbearance of the landlords." Why, Sir, what is it we trust to at present. To what do we trust at present for the preservation to tenants and dependents of their right of voting? We trust to nothing else than to the forbearance of the landlords. It would seem, indeed, that we were content with taking very bad precautions, if we were to adopt this new line, this untried measure, when the only security we are to obtain after all, is the security we have at present—the confident expectation that the landlords would not be tyrannical; that they would not endeavour to search and seek out the mode in which their tenants voted; that they would not attempt, in short, to exercise any tyrannical or undue influence over them. Now, Sir, I am not one of those who are disposed to deny that there is at present in many places an undue—I will say in some cases a tyrannical—influence exercised over voters; and am not one of those who agree with the hon. Member who has just sat down (the Member for Knaresborough), that it is proper, in order to prevent the influence of demagogues, that the rights of property should extend so far as to constrain a man to give his vote, which he ought to give fairly and impartially, in accordance with the dictates of his own conscience, according to the opinions of another. But, Sir, I entertain a considerable degree of confidence that the influence which is, as I say, sometimes tyrannically exercised, will not, in the course of time and with the progress of opinion, be so exerted. I trust now to the remedy which the hon. Gentleman still proposes to trust to, even after the Ballot shall be established. I trust to a certain degree of forbearance; I trust to a certain degree of shame on the part of those who have the power to exercise influence over voters; and as he says they will not endeavour to find out the way in which a man has voted when he has given his vote secretly, so I say that now the probability is, that as public opinion gains ground, and the people of England have the power of choosing their representatives generally, the exercise of that power in particular instances will become odious and will be generally abhorred. My hon. Friend has stated, and stated most truly, that considerable influence was exercised at the late Devonshire election; and I must say, that, in many instances, that exercise was most painful to me, both on behalf of the men who voted for and against me: knowing as I did, that many persons voted in my favour at a very great sacrifice, at a very great risk of their own personal interests, and under direct threats of intimidation. But, Sir, the question is, whether this is a power which is generally exercised. I will only mention, on the other hand, that at the former Devonshire election, although I was opposed, and very warmly opposed, the same degree of influence was not exercised. There were persons who had even served on my committee at the former election, who were obliged at this late election, after serving on my committee again for some days, to turn against me just previous to the day of nomination. Sir, this shows that the influence exercised upon the occasion was no ordinary degree of influence; it was not that ordinary degree of influence which is generally used at elections, but it was thought that it was an occasion on which a great triumph might be obtained. An exaggerated importance was attached by the party opposed to me in gaining the victory. There were many who thought that the gaining that victory would be a triumph to the cause in which they were all embarked; there were many who supposed that sinecures in the Irish Church ought to be preserved, in which some of their friends were interested. There were many who were so sanguine as to think that all the abuses of the Church and of the Corporations would be kept up if they were but successful in gaining a triumph on that occasion. They undoubtedly attached a very false and exaggerated importance to that election, but it is to the existence of that exaggerated importance that I attribute their using that degree of influence which never had been used at any former Devonshire election within my knowledge—a degree of influence which I will say the landlords are not accustomed to use in elections generally throughout the kingdom. I will further acknowledge my belief to be, that if the Reform Bill be allowed to go on without any great change being made in its provisions, its tendency is to establish freedom of election. I believe that cases of the exercise of this undue influence will be rare and unfrequent after a few years; and although I am far from saying, that after passing that Reform Bill we should never pass any other measure having reference to elections, yet I do think it is not too much, to ask that after a great change of that description—a very great constitutional change—we should pause for a time and see whether it does not produce the effects which we originally anticipated from it, and which I must say it has to a very great extent already conferred. But there was another argument used by my hon. Friend, which appeared to me deserving of some notice. My hon. Friend said, that although the landlords might endeavour to find out how their tenants and dependants voted, the latter would have no difficulty, and feel no scruple in uttering a falsehood to screen themselves, and that the landlords would be thus foiled in their object. Now, Sir, I cannot say, without speaking with very false cant upon the subject, that the question of the adoption of vote by ballot comes recommended to me very highly when I find its first and steadiest advocate telling me and the House that the consequence of its adoption will be that a great portion of the voters throughout the country, in reply to a question connected with the election of their repreſentatives in Parliament, will return for answer a direct falsehood. But, Sir, my belief is, I will fairly say, that the electors of this country will return no such answer. I believe that the Ballot will have no such effect. My opinion is that in every village in the country inquiry will be made how a man has voted, and that the voters will have very little difficulty or hesitation in stating the truth; as I believe that this will be their disposition and inclination, so I believe that they will have very nearly the same sphere in which to give a vote in opposition to the opinion of their landlords as they have now. But, Sir, there is another point of view touched upon by my hon. Friend, the Member for Northumberland, in which I think the Vote by Ballot is likely to produce injurious effects, I mean with respect to bribery. I cannot but think that it will be far more easy, when there can be no scrutiny into votes, and when you will have no right to inquire how this man voted or how that man voted, to practise bribery wholesale; and that a man who would be inclined to take a bribe now, but would be restrained by the fear of doing so, would not feel the same fear when he had an opportunity of receiving a bribe with impunity. But, Sir, while I thus think that the mode of voting by Ballot does not come so strongly recommended to the House as to induce me to adopt so very great a change, I must at the same time consider that it is a change which is at variance with all our common habits and with all our political and constitutional system. In all other institutions a different course is adopted. Take our Courts of Justice for example. The Judge pronounces his opinion in open Court; the deliberations of the Jury, to be sure, are secret, but then they are obliged to be unanimous; so that it cannot be said that there is any great difference of opinion among them. Then if you look to Parliament, you will find that although there be meetings of party, still the deliberations of Parliament, when we come to discuss great questions, are open and public, and the conduct of the Representatives of the people is known to them. It is the same thing with regard to the Executive Ministers of the Crown; they may deliberate in secret; but if they have any measure to propose, or any act to do, that act or that measure is openly known and openly opposed, and they stand, and must stand or fall by the result of the discussion of its merits. Well, then, Sir, it is the practice, the general practice, and I will say, the wholesome practice of this country, that all persons exercising authority—whether they are exercising it in trials over the life and liberty of their fellow-subjects—whether they are exercising it with regard to great legislative measures—or whether they are exercising it with reference to great legislative authority—do all act under the responsibility of the vigilant control of public opinion. They are all acting in the public sight, in the broad daylight, and before all the world; and this circumstance, I believe, affords the best check upon all their actions—the best defence for the good government of this country,—and the best security for its good order and well-being. It is proposed, then, in this instance alone,—in the solitary instance of the election of Members of Parliament,—that the act of voting should be one of secrecy—one which should be hidden from the the world and human observation—one for the exercise of which no man should be responsible, and into the exercise of which no man should have a right to inquire. I must say, that without the fullest proof of necessity,—unless I am forced to it by necessity,—unless I am convinced that there is no other mode by which men can give their votes fairly and deliberately,—I am not disposed to adopt this plan of secrecy; I would rather leave the voters of this country—to whom I believe their high and important trust is most properly confided—like persons exercising other powers of a similar description, to vote before the world; and I do believe that, in the end, the result must be, that there will be a free election of Members of Parliament. I do believe that, even at present, imperfect as the result of the Reform Bill may be in some instances, this House is now the fair Representative of the people of this country. Sir, entertaining these opinions, I shall undoubtedly vote for the previous Question, which has been moved by the hon. Member; and even if he had submitted no such Motion to the House, I must say, I should most undoubtedly have voted for negativing the Motion of my hon. Friend.

Lord *Stanley* said, he would not trouble the House with more than a few observations upon a subject that had been discussed over and over again, until it had been worn threadbare. He could not but confess that he rejoiced at the declaration he had just heard from the noble Lord, for the speech the noble Lord had just delivered had afforded to his mind the satisfactory assurance that it was the settled purpose of the present Government of Lord Melbourne, as it had been the determination of the Government of Earl Grey, to resist the introduction into that House of any measure establishing the Vote by Ballot at elections. If he were satisfied with the tone of the speech of his noble Friend, he must confess that he was the more surprised at the course which the noble Lord had adopted on this occasion. He should have thought that the noble Lord, having made up his mind consistently with the pledges that had been given upon the subject by Earl Grey, and in accordance with those pledges that had been given by Lord Althorp on the introduction of the Reform Bill—that the noble Lord having made up his mind to resist all future encroachments upon the Constitution, he would have pursued a course more consistent with the greatness of the subject, and have deemed it more expedient to set the Question at once at rest by a direct negative. This would have been more eligible than, by moving the previous Question, to induce the House to come to a decision inconsistent with the grounds on which the case was really resisted. In the year 1833, in the year 1834, there had been no such hesitation in meeting this Question. Immediately after he had felt it his painful duty to quit the Government of which Earl Grey was the head, his Lordship had thought it necessary in the House of Lords to express broadly and decidedly his sentiments with respect to the general policy he had pursued, and especially with respect to the great measure of Parliamentary Reform. He had said that in introducing the Reform Bill he had thought it right to make the measure extensive, in order that he might take his stand on it, and consider it as a final measure. This was not the first time that the Question of the Ballot had been introduced into the discussions of that House, and by the hon. Gentleman, the Member for the City of London. But how was the measure met by Earl Grey in 1833—by the previous question? No; he met it on by a far higher principle of consistency and honour. Did he meet it upon the ground of the pledges that had been given by one side of the House, and received by the other —on the ground that those who had supported and those who had opposed Reform had reserved to themselves the Question of the Ballot? No; Earl Grey met the Question on a higher principle of, honour. He did not resort to the previous Question; he met it by the direct negative, and was supported by a great majority of the House, by a majority of more than two to one. He would refer to Lord Althorp's words on that occasion, and then let the House consider the determined manner in which he had met the Question. Lord Althorp had said, and he appealed to every Gentleman who heard it. And he begged the House to recollect that Lord Althorp said, that when the Motion in favour of the Ballot was brought forward by the hon. Member for the City of London, who had made the Motion now pending before the House, and on that occasion the leader in that House of Earl Grey's Government, the leader of the first Reformed Parliament, said, that although his private opinion was in favour of the Ballot, he felt that, in point of honour and duty, he was bound to meet the Motion, not with the previous Question, but with the direct negative. Lord Althorp then said, "He (Lord Althorp) appealed to every Gentleman who was in the last Parliament, and who knew the whole proceedings whilst the Question of Reform was going on, whether the promoters of that measure did not contend that as far as the representation of the people was concerned, it was to be considered, and was proposed, as a final measure."* He (Lord Stanley) might be told that this pledge did not include the Ballot, but he would reply that Lord Althorp's speech was delivered in opposition to the Motion in favour of the Vote by Ballot. The noble Lord then added, "But if he were now to vote with the hon. Member for the City of London, he should be acting more inconsistently with every thing he had stated during the whole progress of the measure of Reform." The pledge given by Earl Grey's Government, in his opinion, was not less in force because two short Sessions had elapsed since it had been given. He knew that his noble Friend

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* Hansard (third series) vol. xvii. p. 657.

(Lord John Russell) felt the objection not less strong upon him, than it had been on Lord Grey and Lord Althorp, although he had been deluded into adopting a mode of proceeding which was certainly not the most high-minded. Why, he asked, was not the present a fit time for discussing the Question of the Ballot? When could the time be fitter? The previous Question, according to Parliamentary forms, was only moved when it was not deemed expedient to bring into discussion some great principle of important consequences; but the present Question had been duly gone into, and he was unwilling that the country should be kept in suspense upon the subject. The House might at that moment go into all the facts and merits of the case, as well as it had done in 1833, or as it could by any possibility do in 1837. He had great doubts how far he could accede to any proposition, which implied that circumstances did not allow the Question to be settled at the present instant. The Question was deemed most important to all county voters; it gave rise to great anxiety and it was a Question, moreover, on which his noble Friend told the House that his mind, and the minds of his Colleagues, were most distinctly made up. Why then was not the question met with the direct negative? If his noble Friend were a convert to the arguments of the hon. and learned Member for Liskeard, he could then understand his shrinking from coming to a discussion; but if it were true that he remained unconvinced, let him at once declare to the House his mind, and let the country know what were the feelings of the Ministers. For his part, he (Lord Stanley) would not enter into the Question of the South-Devon Election. The learned Member for Liskeard had entered pretty elaborately into an analysis of the votes, and had told the House, that of the householders and freeholders, the majority of the householders had voted for his noble Friend, but that the scale had been turned by Tory magistrates, Tory landlords, and the Tory clergy. He was certain that the hon. and learned Gentleman had said that the result of the election did not speak the opinions and principles of the inhabitants of Devon—that it did not speak the real opinions of the people—but that it spoke only the influence exercised over the people by Tory magistrates, Tory landlords, and a Tory clergy. If this were the fact, all he (Lord Stanley) wanted to know was, how all these people had been so changed since the previous election. There were at the last election the same landlords, the same clergy, the same magistrates, that there had been at the election that had taken place only a year before. ["*No, no, no!*"] Did Gentlemen cry "No, no?" What, then, in the interval had there been such great transfers of landed property in the county of Devon? He believed that there had been at both elections, the same clergy—the same incumbents of the same livings—the same persons in the Commission of the peace—and the same landlords, holding the same properties. Surely the different results of the two elections must have been occasioned by some change in the conduct, some alteration of policy in his noble Friend—for the clergy, landlords, and magistrates, possessed no more influence at the last election than they had done at the preceding election. He apprehended that something had occurred in the interval of the two elections, which operated upon the feelings of all those who were masters of that influence over electors, which had been the topic of discussion. The hon. and learned Member for Liskeard had said that it was desirable at elections, to do away with the influence of property, and that the Ballot would effect that object. He (Lord Stanley) would meet the learned and hon. Gentleman on both of those points. He would maintain that it was not desirable to do away with the influence of property at elections—very far from it; and if it were desirable, he would maintain that the Ballot would not effect that object. His noble Friend, the Member for Northumberland, had answered all the grounds upon which the hon. and learned Gentleman had discussed the Question. He (Lord Stanley) would throw overboard all that had been said about the Ballot being un-English, and he would consider the Question in its consistency and relation to the practice and spirit of the Constitution, and to the Reform Bill of Lord Grey, who, in discussing that Bill, had laid down the principle that wealth and landed property should have, and ought to have, their due influence. In elections, the electors doubly represent the non electors as well as themselves, and the constituency, as well as the Member returned, have equal and ascertained duties, and he as a Representative had as much right to know who his constituency were, and whether they approved or disapproved of his conduct, as they had a right to know of him what his conduct had been in that House. He thought it not only a trust but a duty—he considered it not only a privilege but a duty; and that it was essential to him as a public man to point out to the country and the people, those electors who had changed their opinions, whether from private, public, or other motives. He claimed a right to that publicity as a Member of Parliament, as well as his constituency did to know his public conduct, and how he had represented them and the country at large. He had never disguised those views of the Question from his constituents. Whether he had sat for places, as he had done, where such opinions were popular, or where they were unpopular, he had always stated openly that it was best for the Constitution that publicity should be given to the conduct of every man who had a voice in the State whether he belonged to the higher or less humble classes. It was said, that Vote by Ballot was un-English; it was so with respect to the way public duties were discharged. America had been mentioned. Let them look to America, to which country he had paid a short visit; and, from what he saw of the Ballot, he must say, that he did not consider it an efficient preventive against bribery and corrupt practices at elections. At all elections in America, the votes, though taken by Ballot, were as public, as notorious, and as much jobbed for as they were in this country. He happened lately to receive a letter from a young friend now travelling in America, who was a gentleman of a liberal family, and educated on liberal principles. As the letter was a private one he had no right to mention the name of the author, but he would read an extract from it containing the opinions of the writer on the Ballot and Universal Suffrage. "What a pity," says the writer, "you cannot ostracise one of the followers of the doctrines of Mr. ——— (he would say Mr. Blank, as he did not wish to mention names), and let him see the working of the Ballot and Universal Suffrage in this country. Treating, bribery, and jobbing, are the consequences of the former, and scenes of tumult and violence arise out of the latter. I have not" continued the writer "found one eminent lawyer or Statesman in this country who does not, as regards England, lean to the Conservative side more or less. Federalists, Nullifiers, Whigs, and Jacksonians, all agree in saying, for Heaven's sake take care of what you are about in England. We know the practical effects of Vote by Ballot, Universal Suffrage, Annual Elections, and mob force. I send you this information, having been brought up a good Whig, but I verily believe, had I come here a radical I should have returned to England a Tory." He had received this letter from Washington; the writer had been present at the sittings of Congress, and the above was the view he took of the working of the Ballot, and of Universal Suffrage. With respect to having the votes kept secret, the Ballot would be a simple and easy remedy, provided all parties were agreed on observing secrecy. But the moment you had the Ballot the elector would have set in against him all the influence and scrutiny of family and other private connexions; he would have to contend against Conservative Clubs, and the prying of Reform associations, all of whom would be inclined to discover how he had voted. Set all this against the Ballot and the elector, and, moreover, set all the violence of party at contested elections, and then tell him whether the vote would be as secret as it was, or more so than it was, in America. Such an opinion he would laugh to scorn. In America before the elections there were everywhere associations formed with the express view of discovering how every elector voted. That was the first step usually resorted to to do away with the secrecy proposed by voting by Ballot. The next step was, an urn, for the purpose of balloting, was placed in a small room, beside the door of which agents for each candidate stood with green or blue tickets, and the voter received from the agents a green or blue ticket, according to the particular candidate he meant to vote for. ["*No, no.*"] No! Why, he saw this mode of taking votes practised a thousand times over. He saw that that was the practical working of the Ballot in America; but it was true, as his hon. Friend stated, that such a method might be easily evaded. He would now come back to what his noble Friend (Lord John Russell) said about trusting in the forbearance of landlords, and upon that point he agreed with his noble Friend. If they had the Ballot he would say, as a landlord, that he would not only see whether the elector dependent on him voted, but he would see him put the ticket into the balloting urn. He did not mean to say, that that was a desirable course of proceeding, or a course that ought to be adopted by landlords unless forced to it by expediency; but he, as a landlord, would be driven to that expediency if the Ballot were employed, in order to satisfy himself. He would not trouble the House at that late hour by entering further into the merits of the Question. He was strongly of opinion that he was bound, as having had the honour of being a Member of Lord Grey's Government, a Government pledged against this question, as well as by his own conviction, to resist the introduction of the Ballot, as a dangerous innovation. He also felt that a different course from that adopted ought to be pursued, and that they ought to come to a direct vote on the question—yes or no. They ought, by so doing, to have trusted to the feelings of the people, and see how far, with respect to this Question, they represented, or did not represent, the opinions of the people of England. His hon. Friend seemed inclined to adopt the Amendment of the hon. Member for North Derbyshire; but, as he knew there was always much misrepresentation out of doors as to putting or not putting the previous question, he was rather in favour of meeting the Motion by a direct negative. On the previous Question he would prefer having an Amendment for a direct negative moved, and perhaps he would have moved that, did not a feeling of prudence restrain him from increasing the numbers of the minority. He would, therefore, acquiesce in the previous Question, and vote for it, inasmuch as it seemed to be supported by his Majesty's Ministers.

Sir *Francis Burdett* said, that after the eloquent speech of the noble Lord who had last spoken, he would not occupy the attention of the House for one moment were it not for the few things that fell from the noble Lord respecting following up, on this Question, a point of honour. For his own part he knew that his feelings had never varied on this Question. He did not concur in the anticipations of good or evil that hon. Members on both sides of the House, interested in the Question, expected from it. His opinion was, that the Ballot would cause none of the dangers those persons who opposed it said it would. At the same time that he made this avowal he did not see that it would be attended by all the advantages expected from it by the hon. and learned Member for Liskeard, and by those hon. Members who took the same view of the Question. The noble Lord (Lord Stanley) seemed to think that there was some understanding between the Ministers who carried the Reform Bill, and the party who enabled them to carry that measure—that it was understood between them that it was to be a final measure; and that, therefore, it was discreditable and dishonourable to propose any alteration in a question that was to be considered finally settled. But the noble Lord was mistaken, for the Vote by Ballot and the question of Triennial Parliaments were especially excepted, and left open to future consideration. If that was true, there was nothing to prevent him now from giving an unbiassed vote on the Question. The noble Lord truly said, there was no better time for disposing of the Question than now, and if there was no bar of honour—no infringement of pledges—he thought that an argument for the mode the Question was now met in. He was struck with the eloquence the noble Lord (Lord Stanley) displayed on all subjects, but the determination he had come to that night did away with all the cogent arguments urged by the noble Lord in the beginning of his speech. When the noble Lord referred to America he begged to say, that he (Sir Francis Burdett) was not one who looked to America or to any other country for its institutions; but, looking to America with reference to this Question, the way the Ballot was considered in this country and America was not the same, and the adoption of it here would not, of course, produce the same results. The mode adopted in America was nothing more than a simple manner of taking votes without any view to concealment. When the noble Lord said, that persons were placed in the election room on each side the door, for the purpose of giving tickets for the urn, that mode as a simple way of taking votes was very well; but if secrecy was the object, it was a very inefficient mode. If we had the Ballot in this country good care would be taken that there should be no persons at the doors to give or receive coloured tickets. He confessed that the Ballot was not generally liked in this country, though some individuals, like the hon. and learned Member for Liskeard, set a high price on it; but they were totally mistaken if they thought that the working of it would be exposed to no difficulties. The great objection to it was the habits and the feelings of the people of this country, who, if they had the Ballot, would not suppress their feelings, and conceal how they had voted. He who concealed his feelings and his vote would be considered to have acted disreputably, while, on the other hand, he who did not conceal them would be thought to act a manly part. The whole thing would work badly, and would be defeated by the people themselves. To prevent deceit, and the breaking up of all social converse, if the Ballot were adopted it should be also enacted that there should be no discovery made of the vote by the voter, or otherwise. In his mind the Ballot would practically be of no avail; but if it would, there could be no danger or inconvenience from it, and if a large body of the people thought it would be a benefit to them, why let them have it? He looked upon it only as a mode of voting which he thought as simple and as easy as the present mode, and less troublesome than any other that could be adopted. He would vote for the Motion, because if the measure should turn out not to be effectual it would serve to take away the delusions under which the people laboured respecting it.

Mr. *O'Connell*, said, that he intended to detain the House only for a few minutes. He begged to protest against several things that he had lately heard. In the first place, he would protest against the assertion that there was any pledge of honour given on this subject by the Government which carried the Reform Bill, or by the individuals who voted for that Bill, that would now exclude them from voting in favour of the Ballot. There was no pledge given by them that the Question of the Ballot should not be introduced. The noble Lord (Lord Stanley) had quoted a speech delivered by Lord Althorp, but that speech was made after the passing of the Reform Bill, and not whilst it was under discussion or before it. The noble Lord (Lord Althorp) had given no pledge that the ballot should not be introduced. On the contrary, it was understood that measures for shortening the duration of Parliament and for the Ballot should be introduced, if found necessary. It was for that that the Radical Reformers voted for the Reform Bill. They intended to give that Bill a fair experiment, butsaid they would have the Ballot if that experiment failed; and the Tories showed by their conduct that it had failed. If that Bill only took power out of the hands of one oligarchy to bestow it on another; if it only took power from the aristocracy of birth to give it to the oligarchy of wealth, it failed. If no pledge had been given, why should they now hear of the honour of Government and of the noble Lord (Russell) being committed on this Question? If that noble Lord was bound by honour not to entertain the Question, why did he not say that he acknowledged that he was? Why, he heard that noble Lord say, that the Question remained open, and whilst the noble Lord declared his opinions to be unfavourable to the Ballot, he allowed that it was a Question open to the future consideration of Parliament. The noble lord had produced an anonymous letter from America. Why if a copy of that letter had originally gone from this country to America, which of course was not the case, it could not have come back more *à propos* to the Ballot, or arrived in England at a better time. But what was the authority of an anonymous letter? It appeared that there was one State of America in which there existed a kind of Ballot, which certainly was not the Ballot that the reformers sought, for it set aside secresy. However, out of thirty States, Vote by Ballot had been adopted in all but three; and with respect to the greater part of those states, the mode of voting was secret. They were told by the noble Lord that the Americans had no faith in the experiment, and that they were all Conservatives in America, and that there was no country in which the democratic spirit was more tyrannical. The letter the noble Lord had read contained nothing but a sneer against the institutions of America. If they were what that letter represented, then they were the most degraded of beings. He owned that the Americans deserved severe reprehension for continuing that most odious traffic in human slaves. The Americans Conservatives indeed! They had not persevered in keeping up the national debt. They had, at any rate, got rid of that portion of conservatism, for they had paid the debt to the last farthing. The Americans last year had made the power of France bow before them. And yet those were the people whose institutions were sneered at in the letter read by the noble Lord. The Jacksons and such men as he, were made light of, but he thought that there was something in the name of Jackson that ought to make him be treated with respect by the English. He protested against taking any history of America from anonymous correspondence, and he protested against the statement which he had made as to the nature of the elective franchise. The noble Lord called it a trust, and he (Mr. O'Connell) called it a right given to an individual, who was not responsible to any man for its exercise, and accountable only to his conscience and his God. The trust was placed in the Members of that House, who were supposed to be selected for those qualities on account of which the trust was given. The Members of that House were servants, while those who elected them were their masters. As masters they were entitled to know what their servants' did; but what right had any one to call upon masters to give an account of their proceedings? The noble Lord had also stated that voters ought to be influenced in the discharge of their duty by public opinion. He would grant that, supposing public opinion to be right; but who was unacquainted with the fact that, at present not only public opinion, but bribery and intimidation, influenced the voter? Now if they intended that a man should have his vote as his property, he called upon them to allow him to vote as he pleased, the only way in which he could do that, being to vote by Ballot. But if they did intend that it should be a property, let them affix a settled price to its exercise, or else at once transfer the vote from the tenant to the landlord. It had further been alleged that voting tended to a more easy discovery of bribery, while secret voting, though it might abolish bribery by detail, would leave bribery by wholesale and render its detection almost next to impossible. But how could that be when, if you bribed 500 persons by wholesale, each and every one must be acquainted with the bribery, and when from the secret being in the possession of so many the corruption was so much the more likely to transpire, and so much the more easy to be proved? Having made these observations in reply to the most material remarks of the noble Lord, he should not further detain the House.

Mr. *E. L. Charlton* complained that the hon. Baronet and the hon. and learned Gentleman had entirely mistaken the purport of the observations made by the noble Lord, the Member for Lancashire. The noble Lord showed that the Ballot had been tried in America, and had failed. [*The cries of "Divide" completely drowned the remaining observations of the hon. Member. After claiming a hearing, and attempting to pursue his argument, the hon. Member addressed some remarks to Mr. Hume who was seated just below the hon. Member.*)

Mr. *Roebuck*: The hon. Member has applied language to the hon. Member for Middlesex such as I never before heard made use of in this House. It is quite unpardonable.

Mr. *Charlton*: Sir, I beg your pardon. I heard the hon. Gentleman below me contradict what I said—[An *Hon. Member:* No.]—I put it to the hon. Member himself whether it was not so, and I then asked him to be good enough to hold his tongue. [*"Order" and laughter with much confusion.*]

The *Speaker* said, that before this proceeded further it would be for hon. Members to reflect upon the serious interruption which such disorderly scenes occasioned, and especially at that hour, to the despatch of business.

Mr. *Charlton* renewed his attempt to gain a hearing. He said it was rather hard that he should be prevented from replying to the remarks of a preceding speaker. If he had seen any symptoms of reluctance to hear him in the body of the House—if those signs of impatience had proceeded from the respectable part of the House, he would at once have desisted; and now, rather than continue such a scene of confusion, and cause the character of the House to be lowered, he should resume his seat.

Sir *Robert Peel:* I shall detain the House but a very short time, it not being my wish to trespass on what I think is the very natural impatience of hon. Members. After the utter exhaustion of argument, I think I should be the last person to protract the discussion by any attempt to go over the same beaten course. I have recently heard the very able speech made on the principle of this measure, by the noble Lord, the Member for Devonshire—the noble Lord, the Member for Stroud,—which to my mind carried complete conviction. To that speech I attach particular importance, because from his recent experience in a popular election, the noble Lord must have gained such information as to enable him to pronounce a judgment well entitled to the consideration of the House, and that speech accordingly, followed by the able and argumentative address of the noble Lord, the Member for Lancashire, completed the conviction which I entertained upon the principle of the Ballot. At the same time, that my conviction was derived from the able arguments of two noble Lords, who took the same view of the question, it was, if possible, strengthened by the utterly abortive attempts of two subsequent speakers to weaken any one of their conclusions. One of those Gentlemen who directed his attention to the subject, attaches great importance to it, and possesses considerable powers in debate, and sure I am that if the noble Lord had taken up a false position, there is no man more competent than the hon. and learned Gentleman to discover its weakness. Now, I ask any impartial man, whether the hon. and learned Gentleman did succeed in shaking any one of his positions? I must say, that on this subject, I should have been disposed to attach considerable weight to what fell from the hon. Baronet. I pay him a sincere compliment, when I say that I am sure he delivered upon this question an opinion perfectly unbiassed by any party consideration, and his observations are peculiarly valuable, because he has, perhaps, had the longest experience of any man living in popular elections. Now, what did the hon. Baronet admit? Why, that the speech of the noble Lord, the Member for Lancashire, had nearly convinced him, and that he had consequently been on the point of taking a different course to what he at first proposed. The hon. Baronet further stated, that the anticipations of the advantages which would ensue from the introduction of the Ballot, and the apprehensions as to the evils, were equally delusive, and that, in point of fact, we can neither gain nor lose anything by its establishment. Then, Sir, I ask why should we adopt a measure which is perfectly delusive? If, after all his experience of popular elections, it be his deliberate judgment that we have nothing to hope or fear from the Ballot, does he not also see the great evil of adopting securities, which he admits to be delusive? As to the argument of the hon. and learned Member for Dublin in reply to the noble Lord, the Member for Lancashire, what, he would ask, did it amount to? Why, in the first place, the hon. and learned Member asserted, that no pledge was ever given on the subject of the Ballot during the discussion of the Reform Bill, that no such pledge could be quoted from the speeches of Lord Althorp, and that there was no pledge of honour on the part of those who supported Lord Grey's Ministry in carrying Reform, to prevent the Legislature from now agreeing to establish the Ballot. But did not the noble Lord, the Member for Lancashire, prove beyond the possibility of a doubt, that the Government which brought forward the Reform Bill, considered it as a final measure, and was determined to resist all further changes in the representative system? Could he bring forward a more cogent proof than that unanswerable extract from the speech of Lord Althorp, the leader of the House of Commons, and a witness the more unexceptionable, inasmuch as the opinions of the noble Lord in an unreformed Parliament, were in favour of the Ballot? The next objection of the hon. and learned Gentleman was levelled at the quotation which the noble Lord read from a letter in reference to America, and the operation of the Ballot system. The hon. and learned Gentleman says, that in that case the Ballot was not secret, but open. But what is the conclusion which we draw? That human nature overlooks all restrictions, and that the intention was to have a secret Ballot, but that the influence of party was stronger than the operation of the law, and that parties became so deeply interested in the result of the election, as to render all concealment impossible, and to put it to an end. The hon. Gentleman has certainly, I must admit, brought forward his Motion in the spirit which has been so justly characterised by the noble Lord, the Member for Lancashire, and delivered the speech, introducing it not only with great ability, but with exemplary temper. The hon. Gentleman has, however, in the course of his able and eloquent speech, made one admission which, in my opinion, must prove fatal to the success of his proposition, for the hon. Gentleman says, that he would not—that it forms no part of the intention of his Motion—exclude that which he designates as the really legal influence of property. He says that he thinks a man of property—a man of character—a man in whom confidence can be placed—will exercise, and ought to exercise, the influence which his position gives him over those who are his own neighbours, tenants, or dependents, even though the Ballot should be in operation; but, if the hon. Member thinks so, I ask him whether that is not directly contrary to the principle which is meant to be laid down by this Motion. [Mr. *Grote:* "No, no."] Yes, but I contend that it is. By the introduction of the Ballot, it must be intended, or the argument of the hon. Gentleman is worth nothing, that every individual voter shall take his own view of public affairs, and, having formed his own opinion, he must deliver his vote apart from influence or persuasion of any kind. If, then, the Ballot be efficacious at all, it must exclude that influence of property, which the hon. Gentleman says he desires to retain; would it not, then, be better to let voting remain, as at present, under the control of public opinion, than resort to secret voting, which must defeat the acknowledged efficacy of public opinion, as well as destroy the influence of property. The advocates of the Ballot propose to confine that to the constituency, but why I know not. What is the difference in point of principle between the functions of the constituent body, and the functions which the Representatives of that constituent body, are called upon to exercise? Are we inaccessible to the force of influence, or do we never on many of the questions which come before us, act rather in conformity with party connexion than upon abstract principle, in reference to their individual merits. Will it be said by any one Member of this House, that, upon every question that comes before us, we act in accordance with the abstract merits of that question, without any view to party or the existence of the Ministers we wish to see in power. If we are to try every question by its abstract merits, I, for my own part, can see no reason why, if the Ballot be considered good for the constituents, it should not also be good for the Representatives, and why the Ballot should to be introduced into the House of Commons. No doubt a vote by Ballot might be given on purer principles than an open vote, but then you must, at the same time, take human nature into consideration, and make due allowance for its proneness to err. For my own part I must say that I think the Ballot would be, to say the least of it, inconvenient; and that it would not afford as much security for the proper exercise of the elective franchise, as is given by acting in the face of day, subject to the control of public opinion. The influence of public opinion is the greatest security the country can have for the conduct of the Representative body, and why it should not have an equally beneficial effect in the constituent body I certainly have yet to learn. But the hon. Gentleman admits, if I apprehend him rightly, that in certain cases the Ballot would be inefficacious. [Mr. *Grote:* No.] In my view the advantage of the Ballot could at best be only partial, and the partial protection it would afford to a few, would be nothing as compared to the influence of public opinion over the great body of voters. I agree Sir, with the noble Lord the Member for Lancashire that we should not exclude the influence which property ought to possess, and I do not believe that the Ballot would answer the expectations of its proposers if it were adopted. We cannot indeed exclude the influence of property, consistently with the principles on which alone a Monarchical Government can be maintained; for if the opinion of every man is to be considered as of equal weight, without reference to the influence of property, the result must be that the 40*s.* freeholder will have just as much influence over public affairs as the man who possesses ten, aye, a hundred, times his property and intelligence, and is infinitely more interested in the preservation of order. But, do what you will, I tell you that it is not in your power to exclude the influence of property; and I therefore, am desirous that it should be exercised in the light of day, and under the control of public opinion. Now, Sir, with respect to the manner in which it is proposed to meet this Motion I shall offer only a very few remarks. The noble Lord, the Member for Stroud, is on principle opposed to the Ballot. His Majesty's Government intends to resist the Motion, and where, then, is the necessity of not coming to a decision upon it at once? This is not a question which requires that we should wait for further information than we at present possess; and if we have experience enough to enable us to decide the matter now, where is the advantage of leaving it unsettled? By that course we preclude ourselves from nothing; for if new events should arise hereafter to induce us to alter our opinions we shall be just as competent to deal with the question as if no discussion and no decision had ever taken place. If, then, we are opposed to the principle, what is the consequence of meeting it with a direct negative? By a direct negative all we affirm is that our minds are unconvinced, and that instead of adopting a new experiment we think proper to adhere to the present system; and this, I confess, appears to me to be the course which we ought to take. I come to the same conclusion as the noble Lord; and feel averse from doing that which is calculated to delude the public into supposing that our opinion on this subject is not made up. We have, without allowing this question to remain unsettled, enough business on hand to occupy us for a long period, and am I unreasonable when I ask the House to dispose of this Motion at the present moment, and not to adopt a vote which must lead to an impression on the part of the public that we are undecided—that our minds are not yet made up about the matter. Under these circumstances I hope the noble Lord will act upon the impression with which he came down to his place this evening; that he will as leader of his Majesty's Government in that House, so far set an example as openly to avow the opinion of the Government, that he will concur with us, who wish to meet the question with a direct negative, rather than agree to so inconvenient a proposition as that brought forward by the hon. Gentleman, the Member for Derbyshire. I do, Sir, hope that the noble Lord, sensible of the inconvenience of assenting to the proposition of the hon. Gentleman, the Member for Derbyshire, will now come to a negative or affirmative decision of the main question. Instead of voting for the previous Question, I hope we shall give the Motion a decided negative, and that the noble Lord will add his authority to the decision, by voting with me at once against the proposition of the hon. Member for the City of London.

Lord *John Russell* had already stated to the House that if the Motion came before them as a substantive Motion he should give it a decided negative. The noble Lord, the Member for Lancashire, and the right hon. Baronet opposite, seemed to wish that the Question should be met by a direct negative rather than the previous Question, but for his (Lord John Russell's) part he must say that the hon. Member for Derbyshire moved the previous Question without his knowledge. He should be glad if his hon. Friend would withdraw his Amendment; but certainly if he did not do so he (Lord John Russell) must adhere to the intention which he had expressed of supporting that Amendment, although at the same time he should prefer deciding the Question by a direct negative to voting for his hon. Friend's Motion.

Mr. *Gisborne* begged to confirm the statement of the noble Lord, that his Amendment was proposed without any concert with either the noble Lord or any other Member of his Majesty's Government. At present he was unfavourable to the Question of the Ballot, and certainly unless he could be convinced that secret voting was more advantageous than open voting, he must give the resistance of his vote to the Motion of the hon. Member for the city of London. If, however, he should be called upon to vote aye or no upon the Motion as brought forward by the hon. Member for London he must say that he should support that Motion. As the noble Lord seemed to wish him to withdraw his Amendment, all he could say was, that he was perfectly ready to adopt that course.

The Amendment was withdrawn.

Mr. *Grote* rose to say a few words in reply: at that late hour he would not detain the House long, particularly as the objections of the right hon. Baronet admitted, he thought of a very simple and easy answer. It was the undue influence, and not the proper influence, which would be prevented by the Ballot. Now every one had admitted, to a certain degree, that English landlords had improperly interfered with the freedom of election, and yet the noble Lord (Russell) told them it was to the forbearance of those very landlords to whom the tenants were to look for protection in voting in future. If they had no better protection than that, God help them for the future! He thought there were no other means, at least none had been started by hon. Gentlemen who opposed the Motion of protecting the voters, in the absence of the Ballot, in the exercise of their franchise, freely and independently. The Legislature was bound to give them protection during the consideration of that Question, and he did say, they never would have fulfilled their duty till they had granted that protection. He rejoiced in the voice of the people when it was against him, as well as when it was for him; but he never would accede to any arrangement which did not take the sense of the electoral body freely and fully. He knew of none other than the Ballot: none had been suggested and, till he received more conclusive evidence that there was, it would be his duty to persevere in his Motion at every convenient season.

The House divided on the original Motion—the numbers were:—Ayes 144; Noes 317; Majority 173.

List of the Ayes.

Aglionby, H. A.
Ainsworth, P.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Baldwin, H.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Bewes, T.
Biddulph, R.
Bish, T.
Blackburne, J.
Blunt, Sir Charles
Bodkin, John James.
Bowring, Dr.
Brady, D. C.
Brocklehurst, J.
Brotherton, J.
Browne, Dominick
Buckingham, J. S.
Buller, C.
Bulwer, H. L.
Burdett, Sir Francis
Callaghan, D.
Chalmers, Patrick
Chapman, M. L.
Chichester, J. P. B.
Clay, W.
Codrington, Sir E.
Conyngham, Lord A.
Collier, John
Crawford, S.
Crawley, S.
Dennistoun, A.
Divett, E.
Dundas, Hon. J. C.
Duncombe, T. S.
Dunlop, C.
Dykes, E. L. B.
Elphinstone, H.
Evans, George
Evans, Col.
Ewart, W.
Fellowes, Hon. N.
Ferguson, Sir R.
Fielden, J.
Finn, W. F.
Fitzsimon, N.
Fitzsimon, C.
Gaskell, D.
Gillon, W. D.
Gisborne, T.
Guest, J. J.
Gully, J.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Heathcote, R. E.
Hindley, C.
Hodges, T. L.
Humphery, John
Hutt, W.
Johnston, A.
Kemp, T. R.
King, Bolton
Langton, Col. G.
Leader, J. T.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Mac Cance, J.
Macnamara, Major
Maher, J.
Marshall, W.
Marsland, H.
Molesworth, Sir W.
Mullins, F. W.
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, C.
O'Connell, J.
O'Connell, M. J.
O'Connell, Daniel
O'Connell, Morgan
O'Connell, Maurice
O'Connor, Don
O'Dwyer, A. C.
Parrott, J.
Pattison, J.
Pease, J.
Philips, Mark
Ponsonby, Hon. J.
Potter, R.
Power, P.
Power, J.
Rippon, C.
Roche, W.
Roche, D.
Ronayne, D.
Roebuck, J. A.
Russell, Lord C.
Rundle, J.
Russell, Lord
Ruthven, E.
Ruthven, E. S.
Strickland, Sir G.
Sheldon, E. B. C.
Seale, J. H.
Speirs, A. G.
Sharpe, General
Scholefield, J.
Sheil, L.
Strutt, E.
Talbot, J.
Talfourd, T. N.
Tancred, H. W.
Thompson, W.
Thornely, T.
Tooke, W.
Trelawny, Sir W. S.
Tulk, C. A.
Turner, W,
Tynte, C. J. K.
Villiers, C.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Whalley, Sir S.
Wiguey, J. N.
Wilde, Serjeant
Wilks, J.
Williams, W. A.
Williams, W.
Wood, Alderman
Wyse, T.

TELLERS.

Hume, J.
Grote, G.

Paired Off.

FOR.	AGAINST.
Simeon, Sir R.	Egerton, Lord F.
Bulwer, E. L.	Ossulston, Lord

HOUSE OF LORDS,

Wednesday, June 3, 1835.

Minutes.] Petitions presented. By the Duke of Gordon, the Marquess of Bute, the Earl of Roden, and the Archbishop of Canterbury, from a Number of Places, for a further Grant of Money for Building Churches in Scotland —By the Archbishop of Canterbury, fromBolton, for a the Repeal of the Factories' Regulation Act.—By the Earl of Roden, from Chorley, against the Restrictions on Beer Shops.

Patents.] Lord *Brougham* rose to introduce a Bill on the subject of Patent Laws. He said that the defects of the law as it now stood were admitted, and there were two courses to be pursued with regard to its alteration. The first course was to effect an alteration of the whole law of patents; to repeal the law from the Statute of James downwards, and then to re-enact such of the provisions of the present law as it was desirable to retain and to enact other provisions for the greater security of patentees and of the people at large with respect to patent rights, so as to secure the latter from the bad effects of monopolies. There was this objection to that course, that it would be extremely difficult to secure for it the concurrence of all the interests involved in the matter, and there was this further objection, that one of the plans proposed would be likely to entail on the public one of the great evils of monopolies. He should give one instance of this. It was proposed, that in order to avoid the injustice of keeping patentees in courts of justice all the fourteen years of the continuance of their patents, it should be enacted, that when a man had once got a verdict establishing his patent, such a verdict should be conclusive as against all the world. The consequence of such an enactment would be, that any man could establish a patent—he might get a patent, though there was no new invention, consented to by the Attorney-General *per incuriam* for the brewing of beer, or the making of bread, and he could get a friend to institute a colourable suit in a court of law or equity, which might be kept up collusively during the whole of the fourteen years of the patent, and during that time the public would be deprived of the right to dispute his patent, and must suffer from his monopoly. The objection to this course was admitted, and such a proposal was therefore abandoned. There was another course, namely, to remedy some of the defects of the present law, and that was the course which he now proposed to pursue. There were three or four leading defects in the law as it stood at present. In the first place, it was well known that if a person took out a patent in respect of five or six different things comprised under one general invention, as in the instance of an invention of a new mode of making painters' colours, if five of these modes were completely successful, but the sixth was not so—was not a useful invention within the meaning of the patent laws, the whole patent would be void—void as much for the five successful things, as for the one unsuccessful. In the same manner, if six things were claimed as original, and it should be proved that five out of the six were so, but that the sixth was not—that it was in use at the time the patent was granted—the patent would be void for all, although it might happen that each of these five things was original and highly valuable, and though the sixth might be comparatively unimportant. In the Courts of Law and Equity, such a patent would be void. That was a great hardship, for the inventor might have made a very meritorious invention in respect of these five things that were proved to be original; yet even for them he would be deprived of all reward, notwithstanding all the labour he had bestowed, and all the expense he had incurred, in discovering them and bringing them into use. If he had deceived the Crown in respect of their originality, he would deserve to lose his patent; but he would equally lose it though he had honestly, but mistakenly, claimed all six as original. This had been the case with the man who invented the chain-cable, that most admirable and useful invention. Nobody could touch that; but it so happening that he thought he had invented an anchor with a fixed stock, he included it in his patent, and it afterwards appeared that some other person before that time had used one of a similar kind. The whole patent, as well for the chain-cable as the anchor, was declared void. Such might also have been the case with respect to the wonderful inventions of Watt. The whole of these—the condensing contrivances, the parallel motion, that most scientific application of the nicest and most abstruse principles of mechanics—all would have gone for nothing, new, original, and highly useful as they were, had any little part of the patent been bad. This was an evil that obviously required a remedy. He proposed, as a remedy, that if within two years from the enrolment of the specification the patentee should enter a disclaimer as to these parts of the patent, and should file the same at the patent-office, and should insert it a certain number of times in *The London Gazette*, and in some of the public newspapers, and if he should also get a *fiat* from the Attorney-General, who should examine whether his original claim was innocent or fraudulent, so as to be within the general principle applicable to grants by the Crown; upon that being filed and published it should be conclusive evidence of the Attorney-General having given leave to allow the disclaimer, and to file it; and the disclaimer should be confined in its operation to those parts of the patents which he had disclaimed, and should not affect the other parts of it. The next difficulty was this. A patentee now stood in this situation, that if the invention was one which related to a matter that had been but newly introduced, the value of which was but vaguely known, and which required time for the public to become thoroughly acquainted with it, a considerable period must elapse before the inventor could get a market—a demand for his invention that would repay him for the cost and labour he had bestowed on the production; and the fourteen years usually given as the duration of a patent might pass away, and the patent would expire under the Statute of James before the patentee was remunerated. If, on the other hand, there was a new mode of doing something that related to a matter already in general use, and the value of which was well known, as was the case with the invention of his hon. and ingenious friend, Mr. Howard, he certainly would not want the fourteen years to make the market; but what then? why, he would become the prey of every pirate—he would be subjected to perpetual infringements of his patent, for the temptation to infringe it was too strong to those who were already engaged in the trade to which the patent related, and who found out that the patented article enabled others who possessed it to carry on the trade to much greater advantage, and, in fact, to drive them out of the market; he said the temptation to infringe the patent was too strong, and persons engaged in the particulars were anxious to share this new advantage, that it was impossible for the patentee to preserve his invention from piracy. In such a case, all in the trade might pirate the invention and thus rob the inventor of his fair right to remuneration—he would be but one man with one purse against the purses of a hundred others; and it was well known, as his (Lord Brougham's) experience had shown him, that stock-purses were not unfrequently made by those who pirated an invention of this kind to harass the inventor with actions in courts of law and equity, and, driving him to despair, to carry off the fruits of his skill and labour. This, however, did not happen to his hon. Friend Mr. Howard, for that gentleman, by the advice of friends—in fact, he (Lord Brougham) had strongly joined in that advice—got all the sugar refiners, the operations of whose business were effected by the discovery he had made, to join him on the subject of the patent; and assigning to them two-fifths, and reserving to himself three-fifths of the profits, he gave them an interest in the matter, and made them, in fact, patentees, though by the law against a partnership exceeding a certain number of members, he could not do so in form. But his hon. Friend had been enabled to do this chiefly from the circumstance that the sugar-refining business was in a few hands. Mr. Watt, notwithstanding his surprising, and to the public most incalculably useful inventions, might have been out of pocket but for a set of circumstances that could not possibly happen in every case. An Act of Parliament had extended the period for the duration of his patent; but if it had ceased in the usual time, he must actually have been a loser by it. It would have been better worth his while to have burned his models and discharged his men (as many sensible and sincere friends—Mr. Smeaton for instance, among others, had advised him) than to have gone on contesting the validity of his patent for his extraordinay inventions. It was after the patent expired that Mr. Watt had really gained his great remuneration for then happening to be a better mechanic than his rivals—happening to have the merit not only of inventing the apparatus, but of constructing it in a better way than others, he obtained, in the midst of competition, the command of the market, and thus realized his fortune. There were however instances, in which persons, to avoid the evils he had mentioned, kept their inventions secret. Such was the case with the medicine long administered by Mrs. Knight's family in scorbutic disorders. They had never reduced the discovery to writing, and they insisted always on preparing the medicine themselves, and this excellent medicine was likely to be lost to the world, because, if it had been made the subject of a patent, and its advantages thus after a time secured to the public, the interest of the patentee would not have been sufficiently protected. The same was the case with what was called Steven's solvent for the stone. To remedy this evil of the patent laws, he proposed that if any person should take out a patent, and should afterwards advertise in the *London Gazette* and in the newspapers of London, and of the place where he resided, the discovery he had made, and if after that he should bring an action in law for the infringement of his patent, or any suit in equity for an account in consequence of such infringement, or that any *scire facias* should be issued to repeal the patent and that one verdict should be found for him on any of these proceedings, and that the judge who tried the cause should certify in the usual manner that the validity of the patent had come in question; that then, in such case, such verdict and certificate shold be given in evidence in any other such action or proceeding by *scire facias;* and if in any such suit or action he obtained judgment, he should be entitled to treble costs; not as treble costs were taxed now, namely, the costs one-half and then one-quarter; but costs to three times the amount incurred in the suit. Another improvement which he should propose was directed to the same point, and was connected with the same statement of the nature of the evil. He proposed that after a certain time had elapsed, and after a certain number of advertisements had been inserted giving the public an account of the specification, and referring to a place in London or in the town at which was the residence of the patentee, where models and drawings should be open to the inspection of the public, for one month, during the time of the advertisements, and for one month afterwards, there should be a limitation of the right of a third party to try the question of the validity of the patent, on the score of its originality; so that after eighteen months for the making of the specification, in no action or suit on the subject of the invention should any evidence of the want of originality in the invention be admissible. The last improvement that he should propose in the present law was, that after certain notices given, it should be in the power of the Privy Council, upon application duly made, after hearing the circumstances in support of, and against the application, to grant an extension of time for not more than seven years after the expiration of the original patent. These were the leading improvements of his Bill. There were others of a minor kind, and there was one, too, which he thought necessary to introduce, to guard against frauds now frequently practised—that was to prevent any person who was not really a patentee from putting over his shop the words "by patent," or "by his Majesty's royal letters patent," or other words of a similar kind, which had the effect of transferring to him custom as the patentee of an article for which he really possessed no patent whatever. He moved that this Bill be read a first time.

Motion agreed to.—Bill read a first time.

HOUSE OF COMMONS,

Wednesday, June 3, 1835.

Minutes.] Bills. Read a third time:—Wills Execution; Executors and Administrators.—Read a second time:—Capital Punishments; Alehouse Licenses.

Petitions presented. By Mr. Poulter, from Tradesmen and others of London and of Lambeth, for the Better Observance of the Sabbath.—By Sir Edmund Hayes, from Donegal, for the Renewal of the Linen Manufacturers, Act.—By Mr. T. Duncombe, from three different Trades of London, for a Remission of the Sentence on the Dorchester Labourers.—By the Attorney-General, from Perth, for the Repeal of the Personal Succession (Scotland) Act; and from the same Place, for a Repeal of the Stamp Duties.—By the Marquess of Chandos, from Sawbridgeworth, against being united with other Parishes.—By Mr. F. Shaw, Mr. Richards, and an Hon. Member, from several Places, for Protection to the Irish Protestant Church.—By Mr. Fergus from Scone, for Abolishing Lay Patronage in the Church of Scotland.—By Lord Stanley, Mr. Fergus, and Mr. Maule, from a Number of Places, for Protection to the Church of Scotland.—By Colonel Leith Hay, Messrs. Stewart Mackenzie, Maule, and Fergus, from a great Number of Places, —against any Grant of Money for Building Churches in Scotland.—By Messrs. P. Howard and Strutt, from Carlisle, and St. Andrew's, Holborn, for the Repeal of the Duty on Newspapers.—By Lord Morpeth, and Messrs. S. Lefevre, Elmes, and Strutt, from several Places, —for the Repeal of the Additional Duty on Spirit Licenses. —By Mr. Wilson, from Wattisfield, against Church Rates, and for Liberating Mr. Child of Bungay.—By Sir W. Foulkes, from the Agriculturists of Norfolk, for Relief.—By Mr. Potter, from Wigan, against the Imprisonment for Debt Bill.—By Captain Pechell, from Brighton and Worthing, in favour of the Sale of Bread Bill.—By Colonel Seale, from Dartmouth, in favour of Municipal Reform.

Tithes.] Mr. *Crompton* said, the Petition he now had to present related to a tithe-suit in the Spiritual Court at Litchfield. The petitioner, Mr. Thomas Harris, was a man of respectability, occupying a farm in the parish of Ilam in Staffordshire, which farm was his (Mr. Crompton's) property. The rev. Bernard Port was rector of the same parish, and was entitled to the tithe of cabbages. In the year 1831, the petitioner planted one acre of land in a field in this farm with cabbages, the other part of the field was sown with grass seeds. The greatest part of these cabbages was tithed without producing any dispute. The cabbages were pulled at different times as the petitioner had occasion for them for the use of his cattle; the tithe was set out and was drawn on Mr. Port's account. One small part of the cabbages remained, and the dispute arose about the tithe of this last part. These cabbages were put by Harris's directions into ten equal heaps; each heap consisted of eight or nine cabbages, and notice was given to Mr. Port to send his man to tithe these heaps. Mr. Port's man came, but he refused to take the tithe, because he said the heaps were not equal. Harris then said Mr. Port's man might take any heap he chose. This did not please him, and he refused to take the tithe. The tithe, was therefore, left in the field. After the lapse of a week the petitioner removed the nine heaps of cabbages which were his property, but the rector's tithe still remained in the field. It had been already stated that a part of this field was in seeds; for some weeks three lambs had been depastured upon the seeds, and the rector having improperly left his tithe-cabbages in the field, the lambs ate some of them. By the refusal of the rector to remove his tithe cabbages out of the field, Harris was placed in a difficulty—if he removed his lambs out of the field, he lost the use of it and the pasturage it afforded; if he allowed his lambs to remain, there was a probability of that occurring which had occurred—that they would eat a part of the rector's tithe cabbages. What, then, was Harris to do? Had he no remedy? Yes: he had a remedy; he might bring an action against Mr. Port, to recover compensation on account of his allowing the tithe to remain in the field, and thereby depriving him of the use of it. But, supposing him to have brought an action, and that the jury gave a verdict in his favour, and that the court awarded him all the costs it had the power to give; even if he thus succeeded, he would still have to pay out of his own pocket a sum far exceeding the value of the object for which he had gone to law. It was a mockery of justice to say that Harris had a remedy by action. Mr. Port's cabbages, in number 8 or 9, having been wholly or partly consumed by the lambs, he demanded to be paid for them, and asked 7*s.* 6*d.* as their price; Harris refused to pay this sum; he considered the cabbages not to be worth more than 1d. each, and he offered to pay in this proportion; Mr. Port then commenced a suit in the Spiritual Court at Lichfield for 7*s.* 6*d.* which he stated to be the value of the cabbages, and Harris was served with a citation: he applied to me for advice what to do; I recommended him to submit, and he did submit; and he complains that on account of eight or nine cabbages, which he values at 8 or 9 pence and which Mr. Port values at 7*s.* 6*d.*, he has been saddled with law expenses to the amount of 15*l.* 2*s.* 6*d.*; this sum including the value of the cabbages. He (Mr. C.) had not any intention of imputing to the clergy a wish to act oppressively; on the contrary, he felt that those with whom he was acquainted, had good feelings about them which would make them shrink from proceeding against their parishioners in the Spiritual Court, and he believed he might apply the same observation to the greatest part of that respectable body; but arbitrary laws must not be kept in existence in the hope and expectation that those who were invested with power will be restrained by moderation and by the sense of justice from putting them in force. He would call upon the House to interpose to grant protection to the farmers against the oppressions of the Spiritual Court, not merely against the Clergy, but against all the possessors of tithes. He himself had an interest in tithes: the sums which he received for tithe were much greater than those which he paid for tilhe; there were many tithe-owners besides the clergy. The question he would put was this; is it proper that a tithe proprietor should be invested with the arbitrary powers of the Spiritual Court, which he may use as an instrument of vengeance against any unfortunate farmer who may have incurred his displeasure. He would next say a few words in regard to the state of the law. He had already shown that if a farmer was aggrieved his only remedy was by action, and success in that was almost ruin to him. For the farmer there was no cheap justice. Let the situation of the farmer be compared with that of the tithe-owner: the tithe-owner had his remedy by action; and for all sums not exceeding ten pounds whether the tithes were great or small, he could bring his complaint before two Magistrates; they were required to do him justice they would give him all the money due for tithe, together with full costs. He complained that the farmer should be liable to a proceeding such as this in the Spiritual Courts for such a sum. The proctors who practised there were strangers to him; he knew nothing of the law as there administered, and he was unable to obtain any information from the professional men who live in his neighbourhood. "It is proper (concluded Mr. Crompton) that I should state that I myself have been involved, and am still involved, in a dispute with Mr. Port respecting a road; on this account I have carefully abstained from making any observations: I have confined myself to the facts of the case, and I have stated them as if both the parties concerned were strangers to me.

Mr. *Arthur Trevor* said, that the rev. gentleman referred to had put a statement into his hands in justification of his conduct, and he would, therefore, briefly lay the details of it before the House. He must say, that it appeared to him to signify little what was the value of the tithe in question. The simple question was, had the proceedings been according to law? This transaction had occurred four years ago. Mr. Port, he thought, justly asked why had not this petition been brought forward at an earlier period? He stated that his tithing-man, between whom and Mr. Harris the affair had been carried on, and whose evidence would be material upon the subject, was since dead, and that that might afford a clue to the late period at which the matter was introduced to the notice of Parliament. We lived in times when it was extremely easy to cast imputations upon the characters of clergymen of the Established Church, and equally easy, he was sorry to say, to gain for them credibility, and no small share of support, no matter whether they were founded on truth and justice, or the reverse. The question in the present case was, had Mr. Port transgressed or not the law of the case, and had he laid claim to that to which he was not entitled. Let them find fault with the law if they would, and endeavour to introduce other measures, but do not throw the odium of the existing law, if odium be attached to it, on Mr. Port, or other clergymen, who find themselves compelled by the obstinacy of tithe-payers to have recourse to it. Mr. Harris was, certainly, put to considerable expense in consequence of the citation. Justice cost dear to farmers, but they could not alone complain, for he believed that justice was a cheap article to no one. Mr. Port would not have caused the expense had he not been forced to do so in seeking to obtain what was his due. It had nothing to do with the question whether the value of the article was 9*d.* or 500*l.*; in both cases the point at issue was the same; and Mr. Port, or any other clergyman, had a right to make use of the means the law placed at his disposal. From the statement that had been placed in his hands it appeared that every species of annoyance was offered by Harris to Mr. Port. Letters had been received by Mr. Port from the petitioner couched in language as vulgar as it was insolent, and the petitioner had taken advantage of the defenceless situation of Mr. Port, as a clergyman, and had dared to do that which he would not otherwise do. The course pursued in regard to Mr. Port, he must say, was of a piece with the general conduct towards the clergy. Let any case in which a clergyman of the Established Church was concerned be brought before the House, and he was certain that there were many there who, from party spirit, would take it up, and put the worst construction on the conduct of the clergyman, their sole object being, not to consider the justice of the case, but to assume that the individual was in the wrong, because he was a clergyman. This language might be thought to be strong and unfair; he wished it were so, but he did not believe it was. He would not go into detail of the disgusting ribaldry with which Mr. Port had been assailed. He would merely state one fact, that, on one occasion, while Mr. Port was administering the communion in the church, the petitioner and others got up a party at a public-house, and excited a brawl. The hon. Member concluded by again protesting against the course adopted towards Mr. Port.

Captain *Pechell* certainly agreed with the hon. Member that these cases were all of a piece. He (Captain Pechell) had at this moment a relative of his suffering in the Court of Exchequer; and the only difference between the two cases was, that his relative had been carried thither on account of a small demand for turnips, and the present was respecting cabbages. In that case tithe was actually claimed for turnips that had been hoed up for the use of the cattle. If they had been carried off the land for sale, the clergyman might have been justified in making the demand; but, as it was, he had no right to make it. His relative was put, at this moment, to considerable expense by a suit in the Court of Exchequer on the subject. These monstrous cases occurred every day, and some remedy should be adopted to put an end to such vexatious proceedings.

Mr. *Richards* expressed his deep regret that a system so odious and tyrannical, and so open to abuse, should be suffered any longer to exist. He regretted extremely that his Majesty's Ministers proposed to delay the Commutation of Tithes for another Session, perhaps *sine die*, and to suffer such abominable abuses as arose out of the present state of the law to exist.

Sir *George Strickland* observed, that the most important point of the petition was, that for tithe of the value of 2*s*. an expense of 15*l*. was incurred in the Ecclesiastical courts: thus showing the vexatious nature of procedure of those tribunals. He trusted that no time would be lost in passing the Bill which had been already introduced for doing away with the jurisdiction of Ecclesiastical Courts in these matters.

Dr. *Nicholl* observed, that if the late Government had not been dissolved, a measure for the Commutation of Tithes, and the Bill alluded to for abolishing the jurisdiction of the Ecclesiastical Courts, would be now on their passage through Parliament. It did not come with a good grace from the other side of the House to regret the loss of measures which had been occasioned by the recent change of Government.

Mr. *O'Dwyer* remarked, that the delay in passing these and other measures of reform was, in fact, attributable to the unfortunate change of Government in November last. Had the clergyman no other means of recovering his tithe in this instance except by expensive and oppressive proceedings in one of the superior courts? The hon. Member talked of there being Members in that House influenced by party spirit against the clergymen of the Established Church. [Mr. *Trevor*: No! I said in the country.] The hon. Member might not have meant to say so, but he had distinctly applied the terms to Members of that House, and, for his own part, he would as distinctly deny the justice of the application.

Sir *John Y. Buller* bore strong testimony to the benevolent character of the reverend gentleman. He was sure, he said, that nothing but the most vexatious conduct on the part of the petitioner would have driven Mr. Port to the proceedings he had adopted. This man actually sent Mr. Port, when offering him his tithe in kind, one cabbage in one day, for which the tithe-man had to come two miles. Vexatious proceedings of this character justified the clergyman in making an example of one man for the peace and quiet of the parish, and he did not bring him into the Ecclesiastical Court until he had first brought him before the magistrates, but without any good effect.

Mr. *Barnard* must say, for one Member of that House, that he was not influenced by party spirit against the established clergy. He was most willing to do them justice where they deserved it.

Mr. *Wilson Patten* said, the petitioner had been heard to boast that he had good support in the back ground to sustain him in the law proceedings, and that he would put the clergyman to all the expense he could. This Mr. Harris had been always at the greatest pains to stir up ill feeling in the parish.

Mr. *Edward Buller* also bore testimony to the general kind and benevolent disposition of the reverend gentleman, and expressed his opinion, that, if any disputes had arisen between him and his parishioners, they were attributable to the state of the law.

Mr. *Crompton* said, it was owing to him that the petition had not been presented at an earlier period. It was sometime before Mr. Port's Bill of Costs was delivered to him; as he lived 100 miles from Ilam it was some time before he examined the circumstances of the case. An additional reason was, that there was a prospect that the tithes would have been commuted before this time. He now heard of the death of Mr. Port's tithing man for the first time. He must not omit to say, that, lamenting as he did, that differences should exist between a clergyman and his parishioners, he had called upon Mr. Port for the purpose of proposing that the tithes should be valued by an impartial person, and that a money payment should be made in lieu of tithe taken in kind. He had afterwards made the same offer through a professional Gentleman, whose name he would at anytime give, but Mr. Port thought fit to reject the offer. He did not know what where the insults of which Mr. Port complained, but he should be most happy for all the circumstances to be laid before a Committee of Gentlemen impartially chosen, who would say to which party blame attached. He made this proposal.

Petition to lie on the Table.

TITHES. (IRELAND.)] Mr. *Sharman Crawford* presented petitions from Tamlaght, Finlagan, and other places in Londonderry, and from Ballymore, Ballyeaston, and other places in Antrim, praying for the total and immediate extinction of tithes and the *regium donum*.

They came from the Protestant and Presbyterian landholders of those parishes. He would just state some particulars as to those parishes. In Tamlaght and Finlagan, in the county of Londonderry, the Dissenting population was 6,561, while that of the Established Church was only 544, and the tithe composition there amounted to 1,000*l.* per annum. In the Grange of Kildallagh, the Dissenting population was 880, the Established Church population twenty, and without any church or any service the parishioners paid 73*l.* to a rector who lived twelve miles distant. In Ballymore, in the county of Antrim, the Dissenting population was 3,427, and the members of the Church Establishment only 122; the average congregation at Church was from four to eight, and the tithe amounted to 331*l.* In Ballyorton, county of Antrim, the Dissenters were 4,028, and the members of the Established Church fifty and the tithe was 200*l.* per annum. The petitioners prayed for the abolition of any assessment, whether in the shape of tithe or land-tax, levied on any portion of the community not members of the Established Church for the support of that Establishment. They maintained that all the revenue that was at present levied on Dissenters for that purpose should be looked upon as surplus revenue of the Established Church.

Mr. *Shaw* only wished to observe that tithe was wholly paid by the landlords, and that 19-20ths of the land in Ireland was the property of Protestants.

Mr. Sergeant *Jackson*, while he entirely differed from the petitioners, bore his testimony to the respectability of their character.

Sir *Robert Bateson* was most anxious for a final settlement of the Tithe Question, but not in the way proposed by the petitioners. He denied that the Presbyterians as a body wished for the abolition of the *regium donum.* He begged to state that the clergyman who received the 1,000*l.* a-year referred to was the brother-in-law of Lord Plunkett.

Petition to lie on the Table.

BREACH OF PRIVILEGE.—MR. CHARLTON AND MR. HUME.] Mr. *Hume* rose to call the attention of the House to some proceedings which took place in the House at a very late hour in the course of the debate of last night. He did so because he considered it to be the duty of every man who had the honour of a seat in the House to endeavour to promote order and regularity in its proceedings. Although on some occasions during the many years he had sat in the House he might probably have violated the decorum of debate, and, led away by the warmth of argument, have casually indulged in language which it was improper to persevere in, he must say that never on any occasion when he thought himself in the wrong had he hesitated to avow his error, and he had been always ready, even though he might not have considered himself wrong, to bow to the decision of the Chair and the House, because in such cases he thought that the party concerned was not likely to form so correct a judgment as cool and dispassionate individuals. It would be recollected that that morning, at the close of the debate, the hon. Member for Ludlow rose from a seat behind the place where he (Mr. Hume) now stood, and persevered in addressing the House, contrary, as it appeared to him, to its wish. Whilst the hon. Gentleman was in the midst of that Address, in allusion to what had just fallen from the noble Lord the Member for North Lancashire, he stated that "the noble Lord had proved that the system of Vote by Ballot had failed in the United States." At that moment his hon. and learned Friend, the Member for Bath, was sitting by him (Mr. Hume), and he made an observation to his hon. Friend, who, as well as himself, had heard what the noble Lord said on the subject. His (Mr. Hume's) opinion on the Ballot was well known, and he had restrained himself with some difficulty from following the noble Lord, for he certainly felt a great desire to expose the fallacies of his argument. When the hon. Member for Ludlow made use of the words referred to, he (Mr. Hume) said to his hon. and learned Friend, "No such thing has been proved." Upon which the hon. Gentleman stopping in the midst of his speech, addressed him, and said, very warmly, "Hold your tongue, Sir." He replied to this singular address of the hon. Gentleman, "I will not hold my tongue; I am not speaking to you." The hon. Gentleman rejoined, "If you don't, I'll make you, Sir; I say if you don't hold your tongue, I'll make you; you are an impertinent fellow; we don't want any radicalism or any republicanism here."

He then turned round, and again replying to the hon. Gentleman, said, "You are an impertinent fellow, do you hold your tongue." He spoke this with some warmth, and was near rising to make use of his hands on the occasion, but respect for the House kept him down. Nothing more passed between himself and the hon. Gentleman personally; and for his part, he thought that the offence had been offered on the part of the hon Gentleman, and not by him. He had to move for some returns, and remained in the House after the close of the debate for that purpose; while waiting in his place, the hon. Member for Wenlock came to him and said he wished to speak to him outside on the subject of what had passed between the hon. Member for Ludlow and him. He accordingly after he had finished his business went out, when a letter, which he now held in his hand, was given to him. It was as follows:—

"House of Commons, Tuesday Night.

"Sir,—I heard you make use of the words 'impertinent fellow' when I was speaking.

"I believe that you meant to apply those words to me, but, for fear of any mistake, I desire I may know immediately whether you did or not,

"I am Sir, your humble servant,
E. L. Charlton."

"Joseph Hume, Esq."

The Gentleman who handed him the letter said he hoped that he (Mr. Hume) would retract the expression complained of, but this he declined to do, on the ground that the hon. Member for Ludlow had commenced the attack, and that he himself had the best right to complain. On his way out after the close of the business of the House he was met by the same hon. Member from whom he had received the foregoing communication. The hon. Gentleman stated that Mr. Charlton was not satisfied with the manner in which his letter had been received, and he hoped for a different answer. He (Mr. Hume) said that "he had no other answer to give to-night;" upon which the hon. Gentleman asked "Will you not name a friend to meet me on the subject?" He told the hon. Member that "he would not, and had no other answer to give." He then walked away and thought, no more of the matter imagining that the hon. Gentleman's warmth would be sobered down by a little reflection in the course of the night. However, it appeared he was mistaken, for at 10 o'clock this morning he received two letters on the subject. The first was in the following terms:—

Hyde-park Barracks, June 3, 1835.

"Sir,—The enclosed letter, which I have just received from Mr. Charlton, I lose no time in forwarding to you, and which, in compliance with his request, I shall publish in the evening papers of this day.

"I am, Sir, &c., &c.,
C. Forester."

"Joseph Hume, Esq.

This was the enclosure:—

"Fendall's Hotel, Palace-yard, 3 o'clock
Wednesday morning.

Sir,—"I am just informed by Mr. Forester that you have refused to give him any answer to my letter, that you have refused likewise to enter into any explanation, or name any friend with whom he might confer.

"Under these circumstances, I regret that I am reduced to the necessity of publicly declaring what I conceive the world will justify me in doing—namely, that you have rendered yourself, by your unmanly and cowardly behaviour, wholly unworthy of the title of a Gentleman.

"I am, Sir, &c., &c.,
E. L. Charlton."

"Joseph Hume, Esq.

After he had eaten his breakfast he considered that it was quite possible he might have been mistaken, and said something wrong in the heat of the moment, and therefore he immediately wrote a letter to his hon. and learned Friend, the Member for Bath, who sat next to him during the debate, and heard all that passed. The note to the hon. Member stated, that he (Mr. Roebuck) was sitting by his side last night, when Mr. Charlton made an unwarrantable attack on him, and asked the hon. and learned Gentleman to state the precise words used on that occasion, which he must be able to do, as he had called the hon. Member for Ludlow to order. The letter went on to state, that the writer had not been able to see Mr. Roebuck in the House after the transaction, and that, not wishing to depend entirely on his own recollection, he now asked Mr. Roebuck to state the substance of the whole conversation. Mr. Roebuck's answer stated, that he now transmitted an account of what took place last night between Mr. Charlton and Mr. Hume, and declared that a more unprovoked insult the writer had never witnessed than that offered by the former Gentleman to the latter. Their conversation had really no reference to Mr. Charlton, though it was suggested by what that Gentleman said. He could only account for the extraordinary conduct of Mr. Charlton on the ground of anger. The letter contained a memorandum stating that "Mr. Charlton observed in the course of his speech, that Lord Stanley had clearly proved that the Ballot had failed in America, upon which we began conversing with each other as to the tried efficiency of the system of the Ballot in the United States. Mr. Charlton immediately exclaimed, addressing Mr. Hume in a sharp and imperious tone, 'Hold your tongue, Sir; if you want to say any thing on the subject, you can reply to me.' Mr. Hume said, 'I'll not hold my tongue; I am not speaking to you.' Mr. Charlton rejoined, 'Yes, but you shall hold your tongue, Sir, I'll make you hold your tongue; you are an impertinent fellow; we want no republicanism here.' Here Mr. Hume turned round and said with some warmth, 'Do *you* hold your tongue; *you* are an impertinent fellow.' Mr. Harvey, who was sitting near, turned about, and exclaimed, 'Shame, shame, Mr. Charlton.' I then rose for the purpose of calling Mr. Charlton to order, and the House knows what passed afterwards. He thought, however, the hon. Member for Middlesex, continued, that owing to the confusion which prevailed, the House might not know precisely what had occurred, and therefore he would state the circumstances. The hon. Member for Bath rose to order, so did he, but at that moment the attention of the Speaker was occupied in calling for silence in other parts of the House, and he (Mr. Hume) stood for some time without catching the right hon. Gentleman's eye. The right hon. Baronet (Sir R. Peel) near him appeared from his manner to think the matter scarcely worth further notice, and the Speaker said, "that these interruptions were extremely improper." Thinking that the observation might perhaps apply to himself, he sat down without attempting to pursue the subject. He now put it to the House to consider in what situation a Member must be placed if he were to be liable to such interruptions and attacks as had occurred in this case. He had done nothing to outrage the House or offend the hon. Member. Was it to be tolerated for a single moment, because an hon. Gentleman was angry, or perhaps felt desirous of notoriety in the newspapers, that another hon. Member was liable to be called out to be shot at and have a ball sent through his head, by way of affording an hon. Gentleman satisfaction; or would it be any satisfaction to him to send a ball through the hon. Member's head on such an occasion? There were instances, he knew, where there was no alternative but a resort to the laws of honour, and he did not condemn persons who, in situations of absolute necessity, complied with an established practice; but was it to be endured that in a deliberative assembly, if a man could not convince his opponent by argument, he was to settle the point in dispute by shooting him? He then had a just ground of complaint against the hon. Member, although that individual appeared to think differently. He dared to say, that the hon. Gentleman might have thought it would look well to see a correspondence between Mr. Charlton and Mr. Hume in the newspapers. Perhaps that was the hon. Gentleman's motive; but, however that might be, he thought the present a course which the House ought not to sanction. While he had been in the House, and on more occasions than one, he had always felt it to be his duty, and to be most consistent with the honour and character of the House, to accede to the principle, that whatever took place in the House should, if it required explanation, be explained in the House. He was only now acting in accordance with the spirit and principle which had actuated him in that House during the last twenty years. He threw himself on the House on this occasion, and having stated the circumstances of the case, he did not hesitate to say, that if there was any Member more quiet than another during the debate of last night, it was himself. He had kept his seat, and did not rise during the discussion, except once in the earlier period of the evening, when he did not succeed in catching the Speaker's eye. He complained of being attacked in this manner, when he was not giving offence to the hon. Gentleman, and thought that he was now only doing his duty in stating the circumstances of the case, and leaving it to the decision of the House.

Mr. *Lechmere Charlton* rose on this occasion, as the House might easily suppose, under feelings of considerable apprehension, occasioned not through fear of the course taken by the hon. Member for Middlesex, but through a fear lest, suddenly called on, as he now was, and without an opportunity of consulting his

Friends who sat near him last night, he might not be able to bring his case before the House in the same way as the hon. Gentleman who had brought down a prepared statement of the circumstances. However, he thought it sufficient for him to state (as far as his justification was concerned), on his honour as a Gentleman—on his honour as a Member of the House—in the strongest language that a man could make use of, and still be within the limits of the Parliamentary rule and usage, that what the hon. Member for Middlesex had just stated was not true. [*Order.*] It was exceedingly unfair in any Member to say he was out of order. Was he to submit to the statement made by the hon. Member for Middlesex, containing as that statement did a most unjustifiable attack on his conduct, and was he not allowed to deny it? In common justice, such an attack having been made he had a right to reply to it, and he trusted that no party feeling or prepossession would be permitted to interfere with his defence. On the honour of a Gentleman, he declared that he never did make use of the words "You are an impertinent fellow," nor apply such terms to the hon. Gentleman. He believed he could have brought forward evidence to prove that he had used no such words, if he had had the same opportunity of preparation as the hon. Member. If he had indeed used those strong and offensive expressions, he asked whether the hon. Member would not last night have stated to his hon. Friend (Mr. Forester), when called on for an explanation by that Gentleman, "that Mr. Charlton had first insulted him by calling him an impertinent fellow?" ["He did!"] Did the hon. Gentleman tell his hon. Friend that? No; the hon. Gentleman did no such thing; he said, "that he had reason to complain of Mr. Charlton for interrupting his conversation, and telling him 'to hold his tongue;'" but the hon. Gentleman never, till this present occasion, spoke of the use of those strong and offensive words, "impertinent fellow," or complained of their having been applied to him.—Those words he (Mr. Charlton) declared he had never used in the whole course of his life in reference to a Gentleman, and which no person with any pretensions to the character of a Gentleman would so apply. In the midst of the great interruptions which he experienced last night, he certainly must have met with some of the most extraordinary nature from the hon. Member for Middlesex, to induce him to use the expressions which he did use. In the first instance, he requested the hon. Member to hold his tongue; but on the hon. Member replying that he would not, he (Mr. Charlton) then, dropping the entreating tone, told the hon. Member to hold his tongue. That was the whole "head and front of his offending," and he declared, before Heaven, that he had used no other offensive expression. He should be in a condition to prove the truth of his statement when those hon. Gentlemen who were sitting near him last night came down to the House. If then the hon. Member for Middlesex had been guilty, in the first instance, of a want of courtesy, and in the next of unfairly interrupting, there could be no doubt that the hon. Member was the first party to offend. After that, he admitted that he had written the note of which the hon. Member complained, and it was rather surprising the hon. Member, if he conceived that he (Mr. Charlton) had used the expression "impertinent fellow," did not tell the hon. Member for Wenlock that he (Mr. Charlton) was the person who first gave offence. He hardly knew what the question at the present moment was, because the dispute which had taken place between himself and the hon. Member for Middlesex was a private dispute, which had been carried beyond the walls of that House. He admitted that he had followed that course which it was the invariable practice for a Gentleman to pursue when he felt himself to be insulted by another, and, whatever might be the opinion of some Puritans, seemed to him to be the best calculated to secure the privileges of society. It was with great reluctance that he for the first time in his life resorted to the unpleasant alternative to which the hon. Member for Middlesex had called the attention of the House; and he only did so when he found that the hon. Member refused to answer his letter, set at defiance all explanation, and disregarded all those bonds by which society was held together. He had therefore been reduced to the necessity of using strong language but if they were the last words he had to speak, he would, feeling that he had been insulted, rather lose his right hand than retract a syllable of what he had written.

Mr. *Roebuck* said, that although he was very unwilling to take part in the discussion, he felt it his duty to come forward in the character of a witness. The two parties who had hitherto spoken, appeared to be influenced by those feelings of warmth which naturally arose out of the dispute. To that dispute he had been no party. He came forward as a witness, and he hoped and trusted, in the consideration of the House, an impartial one. He would speak with all the solemnity of manner and adjuration of the hon. Member who had last addressed the House; and he would suppose, though, perhaps, in not so emphatic a manner, that he was speaking on oath, in the presence of a jury. The hon. Member for Middlesex began a conversation which was suggested by a remark of the hon. Member for Ludlow, who said that the noble Lord the Member for Lancashire (Lord Stanley) had stated "that the Ballot had been tried in America and had failed;" on which the hon. Member for Middlesex, or himself—he hardly knew which made the remark first—said that it was no such thing. The conversation continued, until it was interrupted by the hon. Member for Ludlow. He confessed he was somewhat startled by the sudden and sharp manner in which the hon. Member for Ludlow exclaimed "Hold your tongue, Sir; if you want to answer me, you can reply to me after I have done." To this the hon. Member for Middlesex said, "I shall not; I am not talking to you." The hon. Member for Ludlow replied, "Hold your tongue, Sir; you shall hold your tongue; I will make you hold your tongue; you are an impertinent fellow; we want no republicanism here!" When he rose and called the hon. Member for Ludlow to order, he said that the hon. Member had made use of a word which no hon. Member could be expected to hear from another. He had stated at the time that the hon. Member for Ludlow had called the hon. Member for Middlesex an impertinent fellow. He was asked by several hon. Members—many of whom he was sure would corroborate the statement he was now making—before he left the House, what the hon. Member for Ludlow had said; his reply was, that he had called Mr. Hume an impertinent fellow, and told him he wanted no republicanism there. He had said all he knew of the transaction; he was no longer a witness, and would therefore for the present abstain from saying any more upon the subject.

Mr. *William Roche* was not cognizant of his own knowledge, of what passed between the hon. Member for Ludlow and the hon. Member for Middlesex, but he rose to state that the hon. Member for Bath told him last night that the hon. Member for Middlesex had been called an impertinent fellow by the hon. Member for Ludlow.

Mr. *Richards* had not the honour of being acquainted personally with the hon. Member for Ludlow; he was induced to come forward on the present occasion from a feeling of respect both towards him and the House; and he was sorry to say, in the outset, that his impression of what passed was somewhat different from that stated by the hon. Member for Bath. He was attending to the speech of the hon. Member for Ludlow, when he remarked that something passed between the hon. Member for Middlesex and the hon. Member for Bath, which seemed to excite the hon. Member for Ludlow, who said, in his hearing, in a sharp and abrupt way, "Hold your tongue, Sir." The hon. Member for Middlesex instantly replied, "Hold *your* tongue, Sir;" on which the hon. Member for Ludlow, as he understood, said, "If you do not hold your tongue, I will make you." The hon. Member for Middlesex immediately replied, "You are an impertinent fellow;" and then the hon. Member for Bath rose, and spoke to Order. What happened afterwards was in the recollection of the House.

Major *Cumming Bruce* sat in the neighbourhood of the hon. Member for Ludlow last night, and his impression of what passed was substantially the same as that of the hon. Member who had just spoken. Very great noise prevailed in the House whilst the hon. Member for Ludlow was speaking, and he appeared to labour under considerable irritation in consequence. Some conversation, carried on in rather a louder tone than was usually adopted by gentlemen when sitting near a Member who was speaking, passed between the hon. Members for Middlesex and Bath. The hon. Member for Ludlow appeared to consider that the conversation had reference to him, and he addressed the hon. Member for Middlesex, as far as he could recollect, in these words—"Hold your tongue, Sir; I will not be interrupted." Then that which had been stated by the hon. Member for Knaresborough followed. According to the best of his recollection, the hon. Member for Middlesex said "Hold *your* tongue; you are an impudent (or impertinent) fellow." He most distinctly asserted, on his honour, that, as, far as he recollected, the hon. Member for Ludlow did not make use of the expression "impertinent fellow," but the hon. Member said, in a sharp and overbearing tone, "Hold your tongue, or I will make you; I will not be interrupted."

Lord *Stormont* heard the conversation which passed last night between the hon. Members for Middlesex and Bath, and he heard the hon. Member for Ludlow say, "Hold your tongue; do not interrupt." He then heard the hon. Member for Middlesex say, "Hold *your* tongue; I will go on," or some words to that effect. The hon. Member for Ludlow next said, "If you do not hold your tongue, I will make you." Upon which the hon. Member for Middlesex said, "You are an impudent fellow." He (Lord Stormont) turned round and repeated at the time the very same words to the hon. Member for Westminster.

Mr. *Arthur Trevor* said, he sat in the same place last night as that now occupied by the hon. Member for Bath (the principal Opposition bench); and he recollected hearing the hon. Member for Ludlow say to the hon. Member for Middlesex, in rather a tone of irritation, which attracted his attention, "Hold your tongue." The hon. Member for Middlesex made some reply, which did not reach his (Mr. Trevor's) ear, and the hon. Member for Ludlow then said, "If you have anything to say to me, you can reply after I sit down; I have not spoken to you." To the best of his recollection, the hon. Member for Ludlow never applied the expression "impertinent fellow" to the hon. Member for Middlesex. If the hon. Member had done so, he (Mr. Trevor) could scarcely have failed to hear the words, as he was sitting immediately below the hon. Member, and was consequently able to catch every word that fell from him. Some sharp expressions escaped from the lips of the hon. Member for Middlesex, the nature of which he did not comprehend, as it was spoken in an under tone.

Lord *Mahon* was sitting last night in the neighbourhood of the hon. Member for Ludlow, and his recollection of what passed accorded with that of the hon. Member who had just spoken. He was convinced that the hon. Member for Ludlow did not use the expression "impertinent fellow." If that expression had been used by the hon. Member for Ludlow, situated as he was, he must have heard it. He did, however, hear the words, not "impertinent fellow," but "impudent fellow," used by the hon. Member for Middlesex.

Mr. *Strutt* said, that whilst the division was being taken last night, he inquired of the hon. Member for Bath what had taken place between the hon. Members for Middlesex and Ludlow, and the hon. Member for Bath then gave him the same account he had just now given of the words used by the hon. Member for Ludlow. The hon. Member for Bath told him that the hon. Member for Ludlow said "You are an impertinent fellow; we want no republicanism here."

Mr. *Wakley* said, that without making any remark on the character or tendency of the conversation which took place last night, he felt bound in justice to all parties to state what he heard. He was sitting next to the hon. Member for Bath, and the hon. Member for Ludlow having made a remark with reference to something which he said had been proved by the noble Lord the Member for Lancashire, the hon. Member for Middlesex, in a loud whisper, said "There is no proof." The hon. Member for Ludlow then said, "Hold your tongue;" and the hon. Member for Middlesex, replied, "I shan't hold my tongue." The hon. Member for Ludlow immediately observed," Will you not? I will make you;" and then the hon. Member for Middlesex answered, "You are an an impudent, (or impertinent) fellow." The hon. Member for Ludlow also said something about republicanism which he did not comprehend.

Mr. *William Miles* said, that he last night heard a conversation going on between the hon. Member for Middlesex and the hon. Member for Ludlow, and he thought according to his own recollection, that he heard the terms "impertinent fellow," or "impudent fellow," bandied about from both parties. He thought it necessary to state, however, that from the noise which prevailed at the time, it was almost impossible to catch distinctly what fell from either hon. Members.

The *Chancellor of the Exchequer* believed there was no Question before the House to warrant the continuance of the discussion. As long as he had been in the House the mere reading of evidence from one side of the House and the other, on words spoken during a period of noise and excitement, and of considerable irritation between two parties, however it might rest between them, was not a question the House could take upon itself to deal with. If there were a question raised as to a breach of privilege that was a question they would take into consideration, but in the case before it he was at a loss to know what good purpose could be answered by a desultory discussion. He would not state a word upon the conversation of last night further than this, that whilst he must deplore that a conversation had occurred between any Members that affected the feelings of other parties, it was not in respect of conversations occuring in this House, that it became the duty of the House to interfere, so long as the conversation did not take place within the hearing of the House. With respect to any act done that interfered with the freedom of debate, or the privileges of the House, let that question be brought forward and the House would entertain it.—With the best feelings to all parties, he could not but say no person could doubt that misconception had arisen. It was, however, a satisfaction to observe that hon. Members who concurred, and hon. Members who differed in politics, had equally come forward, and stated frankly and unreservedly all that they had heard. But all the hon. Members who had spoken appeared to have a great difference of recollection as to the words which were actually spoken; and it appeared also that the hon. Member for Middlesex and the hon. Member for Ludlow had a very different impression on their minds as to what had occurred. Under these circumstances there could be no doubt that language had passed between these hon. Members which was to be regretted; but he doubted whether the House could interfere concerning the vague recollections of what had passed. If, indeed, there had been any appearance of an intention of either of the parties to proceed to a breach of the law or of the peace, then, indeed, the House might be called upon to interpose its authority. But as there did not appear to be the slightest apprehension of such an occurrence he could only regret that the House had been put, unnecessarily, to the trouble of listening to the matter as far as it had gone. He suggested that it would be proper to proceed with the Orders of the Day.

Mr. *William S. O'Brien* differed from the view taken by the Chancellor of the Exchequer. He thought that if an hon. Member said to another in the House "Hold your tongue," the House had a right to interfere, and express its opinion on the subject.

Mr. *O'Connell* said, the House had heard a variety of conflicting statements, all exhibiting more or less discrepancy of detail. In his opinion, however, the man who distinctly said that he heard such and such words used, was a much more competent witness upon the subject than those who merely said that they did not hear them, and moreover, that they did not hear very distinctly what had been said on either side. It was quite clear that under such circumstances as these a man could not be very certain as to the words alleged not to have been said. Now the hon. Member for Bath had positively declared that he had heard distinctly the obnoxious words, "You are an impertinent fellow," used by the hon. Member for Ludlow.—The hon. Member for Finsbury heard the expression, "We want no Republicans" from the same hon. Member. The hon. Member for Somersetshire said, that he thought he recollected hearing the words "Impertinent fellow" bandying about between the hon. Members for Middlesex and Ludlow. And let it too be remembered that the hon. Member for Bath was the closest of all to the hon. Member for Middlesex; and in his account of the conversation at the time, he attributed the expression to the hon. Member for Ludlow. The expression, too, was used in a dropped tone of voice, as if it were to convey an insult to the individual to whom it was addressed, and yet be concealed from every one else. This would easily account for the fact why so many other Members had not heard it. It was clear that the hon. Member for Ludlow had no recollection of having used the expression; he distinctly and positively denied it. He believed that, under those circumstances, that was the strongest retraction which could be made. Those acquainted with such matters were aware that the best apology that could be made for words said to be uttered, was to deny having uttered them. The hon. Member for Ludlow had stated this. He had denied having used the words. If, then, he had used them, it must have been in anger and in irritation, and when he was not master of himself. The best apology there could be for them was his solemn declaration that he had not used them. This placed the hon. Member for Middlesex in this situation—he had heard the distinct retraction of those words, and he would therefore withdraw the words he had used, and thus put an end to the transaction. He thought that as to the words "Hold your tongue, they might well be passed over. He certainly should not be satisfied, and he hoped the House would not be so, until they were certain that this matter should terminate in a manner that would not affect any human being. The hon. Member for Ludlow denied having used the offensive expression. This was an admission on the part of the hon. Member for Ludlow, that he did not intend to offend the hon. Member for Middlesex. He thought the House would act rightly in putting an end to this matter, as that expression was denied: in other words, as the best apology was made for it. He was sure the hon. Member for Middlesex would withdraw the words he had used, and upon this being done, he was certain the hon. Member for Ludlow would not hesitate (for he could not suppose that hon. Member would do any thing but what was right), to withdraw his letter, and the matter could be thus terminated. The House could not let the affair stand as it did then; and if it could not be arranged, he should feel it his duty to move that both the hon. Gentlemen should be taken into the custody of the Sergeant-at-Arms. He hoped, however, the matter would end in a conciliatory manner; but there was no one who must not see that it could not remain as it was then—it was, in fact, giving the opinion of the House, that both Gentlemen ought to go out and shoot each other. The hon. and learned Gentleman concluded by repeating his determination, that if there was no prospect of a satisfactory arrangement, he would move that both Members should be taken into custody.

Sir *Robert Peel* said, that he had been requested by the hon. Member for Middlesex to attend this evening to state what he recollected hearing of the conversation which took place in his immediate neighbourhood in the House last night. He recollected perfectly that the hon. Member for Middlesex rose for the purpose apparently of making some explanation; and he saw very plainly that the hon. Member was labouring under feelings of great irritation. Seeing this, he interfered, and said to both parties, "Don't go on, don't go on." He said this not for the purpose of preventing explanation between the parties, but because he apprehended that under the circumstances the explanation which might take place would not be of a very satisfactory kind. He was apprehensive, he confessed, that some word or expression might escape from either of the hon. Members which in their cooler moments they might regret, and therefore it was, that he was anxious to prevent their carrying the conversation further. With regard to what had actually passed, as far as he was cognizant of it, he certainly did not hear the word "Republican" or any similar word, applied to the hon. Member for Middlesex by the hon. Member for Ludlow. As to the words "Impertinent fellow," he did hear them used by the hon. Member for Middlesex, but not, as he believed, addressed to the hon. Member for Ludlow, but rather in speaking of him; that is, the hon. Member for Middlesex said to the hon. Member for Bath, "He's an impertinent fellow." This offensive remark escaped the hon. Member for Middlesex, no doubt under the impression that something still more exciting had been said to himself by the hon. Member for Ludlow. The same expression was attributed to the hon. Member for Ludlow; but as that hon. Member had to all intents and purposes denied having used it, it was as if it had never been uttered. Under the circumstances, he really thought that in order to obliterate all unpleasant feelings on the subject remaining on the minds of the parties, the course proposed by the hon. and learned Member for Dublin was a reasonable and just one. He could not conceive that any good could result from adopting any other course.

Colonel *Evans* said, that he quite concurred in the recommendation of the hon. and learned Member for Dublin, and of the right hon. Baronet, the Member for Tamworth. He certainly could not concur, however, in the opinion expressed by the right hon. Gentleman (the Chancellor of the Exchequer), that on mere technical grounds the House should get rid of the discussion of such a Question. As the case stood the disavowal on the part of the hon. Member for Ludlow of the words, "You are an impertinent fellow," had certainly done away with all offence that could possibly arise out of them. But there were the words previously used by the hon. Member for Ludlow, of "Hold your tongue," with respect to which he felt sure that, if the hon. Member for Ludlow would declare that he meant nothing offensive by them, the hon. Member for Middlesex would be prepared, in return, to offer every satisfactory explanation of his part in the conversation.

Mr. *Charlton* said, that he concurred in what had fallen from the hon. and gallant Member for Westminster, and he had no hesitation in declaring most solemnly that he meant nothing offensive to the hon. Member for Middlesex in saying, "Hold your tongue." This he declared most solemnly, as a gentleman and a man of honour. Now, with respect to the word "republican," or "republicanism," with regard to which much diversity of opinion appeared to be entertained by hon. Members who heard him, and which the right hon. Baronet, the Member for Tamworth said, that he had not heard used, perhaps he (Mr. Charlton) could explain how the mistake and this diversity of opinion had arisen. The fact was, the words, "We want no Republicans here;" or, "We don't want any Republicanism here," he conceiving that Republicanism was the necessary concomitant of the Ballot, formed part of his speech to the House, and were not at all addressed to the hon. Member for Middlesex. That was the reason, perhaps, why the words were recollected by some of the hon. Members who heard the conversation, and not by others.

Sir *Edward Codrington* said, that the matter was one which might have been very easily settled if they had begun with the beginning and not at the end, in discussing it. The fact was, the hon. Member for Ludlow complained of an offensive expression on the part of the hon. Member for Middlesex, and the hon. Member for Middlesex, it appeared, had made use of that offensive expression when labouring under the impression that the hon. Member for Ludlow had said something offensive to him. It was in consequence of that supposed offensive expression, on the part of the hon. Member for Ludlow, that the hon. Member for Middlesex said what he had said. If the hon. Member for Ludlow had not said what he was supposed to have said, the hon. Member for Middlesex would not have said what he did say. Under these circumstances, the hon. Member for Ludlow having denied or withdrawn all intention of offence, the whole affair in his opinion fell, most satisfactorily, to the ground.

Mr. *Hume* certainly should not have used the words which he had done if he had not, at the time, distinctly understood the hon. Member for Ludlow to have made use of offensive terms to himself. As the hon. Member for Ludlow had denied having made use of the supposed expressions, he had no hesitation in saying that the words he had used he had spoken in error, and under a wrong impression, and therefore he wished that he had not used them.

Mr. *O'Connell:* then, of course, the hon. Member for Ludlow can have no objection to withdraw his letter. [*Calls for Mr. Charlton, who was observed to be talking earnestly with an hon. Member near him, which caused a slight pause to ensue. Mr. O'Connell then continued*]—If the hon. Member for Ludlow had any hesitation in withdrawing his letter, he should certainly persist in the course he had intimated, and move that he be taken into the custody of the Sergeant-at-Arms.

Mr. *Charlton* said, he rose under very peculiar circumstances. He was willing to bow to the opinion of the House, and accept the explanation of the hon. Member for Middlesex, in full satisfaction of the offence which had been given. The hon. Member for Middlesex said that he had used the words complained of when labouring under a wrong impression, and that he wished he had not used them. He (Mr. Charlton) could only say that he wished the hon. Member for Middlesex had said as much last night when applied to on the subject. If he had said so, he (Mr. Charlton) would not have written the letter which he had done. As, however, the hon. Member for Middlesex had deferred this explanation till now, the utmost he could say was, that he felt sorry his letter had ever been written.

The *Speaker* said, now that the affair had terminated, he trusted, that he should be excused for saying a few words. In the first place, he was bound to declare that he thought the House would not have performed its duty if it had not brought the question to an amicable conclusion, as it fortunately had been. There was another point to which it was necessary for him to advert. He did not hear the hon. Member for Bath state last night that the hon. Member for Ludlow had called the hon. Member for Middlesex an impertinent fellow. If he had heard it stated that such language had been addressed by one Member of the House to another, he would not have allowed the circumstance to pass by, for a single moment, without requiring an explanation.

LORD'S DAY OBSERVANCE BILL.] Mr. Poulter moved the re-consideration of the Report on the "Sabbath Observance Bill."

Mr. *Ward* was sorry to be obliged to oppose the hon. Member on a subject in which he had taken so much interest; but he was totally averse from that mode of Sunday legislation. The Bill now proposed, would only apply to one class, the Sunday traders; and he objected to such partial legislation. The other day the hon. Member for Wigton (Sir A. Agnew), proposed to place restrictions on travelling by the railway on Sunday. Now, he thought such a system of legislation improper, because it was partial and unjust. Why should one class be bound by restrictions, which did not affect others? Again, he was opposed to the principle of Sabbath legislation. Why should hon. Members wish to impose upon others their own views of religious duty? Let them keep the Sabbath as they pleased, but let them not seek to deprive the lower classes of that innocent recreation which they were entitled to, merely because they happened to think it improper. He was convinced no good would result from such a course. The experiment had been tried in Spain; and the principle of restrictive legislation on religious subjects, was there supported by the terror of the Inquisition: and its history in that country he thought afforded a wholesome lesson to its advocates in this. Some years ago orders were issued there that all persons should attend the mass. Now, mark the consequences. Some persons possessed themselves of all the communion tickets that they could procure, and then at the festivals of the Church, they sold the tickets to communicants, and thus made a traffic of the holiest rites of religion. Now, he thought that legislation of that kind would have as bad effects in this country. He, therefore, moved that "The further consideration of the Report be deferred to that day six months."

Mr. *Curteis* rose to second the Amendment of his hon. Friend, the Member for St. Alban's. It was rather hard that Gentlemen who came from the northern division of the country (where the Sabbath was kept much stricter than it was in the southern) should seek to enforce their mode of observing it on the people of England. He, therefore, was convinced that he was conscientiously serving the best interests of the country, by opposing that, and all future measures of the kind, and he cordially seconded the Motion of his hon. Friend.

Mr. *Poulter:* From the commencement of the last Session this Bill has been most unfairly dealt with. It has been the invariable course of hon. Members to saddle it with objections on points wholly unconnected with it. I have not attempted to press on this House any particular or special views of my own. I have watched the cause of the failure of all those Bills which have been rejected by both Houses on this subject. I have endeavoured to ascertain the opinion which prevails in this House, as well as in every part of the country, and to embody these sentiments in a short, modified, and simple enactment; and have confined myself solely and exclusively to the subject of common Sunday trading, which in various places is extensively prevalent throughout the country; and I have a right to say, that the view I have taken meets the wishes of both the masters and journeymen, as well as the real interests of the lower classes of the people. The numerous petitions which have been presented on the subject within the last two years show that great anxiety prevails upon it; 2,000 have been presented since the commencement of the former Session, signed, I believe, by 200,000 petitioners; and this feeling has only partially subsided now, because it is generally believed that this very modified measure will be allowed to pass this House. It has been said that the law for the observance of the Sabbath is obsolete and extinct, which, in my opinion, is a very incorrect statement, because it is impossible to visit any part of this town on Sunday, without seeing decided symptoms of the operation of the Statute of Charles II. in conjunction with the good religious feeling of the community. I can perceive, in the partial opening of the confectioners' shops, the equitable operation of the third section of that Act; and I need only further mention to this House that there has been no Chief Justice of the Court of King's Bench, from the time of Lord Mansfield to the present time, who has not had to give judgment upon some part of this law. It has also been said that this Bill will make a trade to informers: this I deny; the moderate penalty attached to the breach of the law, which in no case exceeds 10*s.* will prevent this. It is remarkable that the Statute of Charles only gives the magistrates a discretionary power of awarding one-third of that small and moderate penalty to the informer, and I defy him to make a trade out of that. I have received letters informing me that my penalties are not sufficient—that I should make them 5*l.* or 10*l.*; but my wish is, to avoid giving any encouragement to the informer. The Bill is founded upon the principles of moderation; it is for the purpose of affording to the poor people of this country one day of rest and repose; and I consider that I have a right to call upon any man who considers himself a friend to the education of the lower class of the people to support a moderate measure such as this is, a Bill which does not impose any severe restrictions upon them, but gives them a free enjoyment of that day, which they do not now possess. I presented a petition to the House a few days ago, signed by a large number of persons engaged in the fish trade; the petitioners assured the House that they were actuated by no extreme opinions, but that the day of the Lord was a day of greater work to them than any other day, and for which they received no compensation; and this they considered to be a state of slavery, from which they called upon the House to emancipate them. With such a strong case as I think I have to bring before the House, I trust that hon. Members will give me their support. I never would have presented the Bill unless I had been satisfied that it would create no species of distress whatever to any class of the community. I am no advocate of illiberal opinions—I have nothing extreme in my religious views—I am no advocate for extreme views; on the contrary, I always oppose them. On this principle I opposed the Bill of the hon. Member for Wigtonshire; but I must confess I have received from him a very different kind of conduct from that which I pursued towards him, for he has shown a perfect absence of personal feeling, notwithstanding the warm manner in which I opposed his Bill, and has in the kindest manner given mine that support which I trust I shall continue to receive from him. I hope, therefore, that I shall now succeed in carrying this Bill through the House.

Sir *Samuel Whalley* said, he had supported the second reading of the Bill certainly for its moderation; but he was of opinion that there were some parts which either did not go far enough, or which went too far: and it seemed to him that altogether the Bill did not protect the poor man, but deprived him of those relaxations to which he was entitled. The Bill only "protected" the tradespeople. Work might be going on all the while with the doors closed: but if the poor man went out of his house, he was met at every turn by the restrictive provisions of the Bill. He thought, therefore, that it did not effect its object, that it was too astringent, and, therefore, he should vote against it.

Mr. *Goulburn* could not agree in considering that the desecration of the Sabbath should be a privilege, or that the man should consider himself ill-used who was prevented from profaning it. All that the hon. Gentleman asked of the House now was, to fulfil what he (Mr. Goulburn) understood was its intention on a former occasion, to allow him to bring in a Bill not obnoxious in principle, and which would be open to the suggestions of hon. Members, as to matters of detail.

Sir *R. Bateson* supported the Bill. The hon. Member for Sussex (Mr. Curteis) had asked why Prebysterian Members should ask the House to compel the people of this country, to observe the Sabbath, after their ideas. His answer was, that Episcopalians and Presbyterians, were equally bound, in a religious view, in keeping the Sabbath holy: and he would tell that hon. Member, that the former were quite as much disposed to do so, as the latter. With regard to the Bill as it then stood, he wondered that any Gentleman could get up to oppose it: it seemed to him to be on every case beneficial, or at least innoccuous.

Colonel *Sibthorp* opposed the Bill, because it prohibited the Sabbath enjoyments of the poor, and protected those of the rich.

Mr. *Arthur Trevor* agreed with the hon. and gallant Officer, the Member for Lincoln (Colonel Sibthorp.) In fact it was a subject very difficult to legislate upon. It had always appeared to him, that it was unwise to pass any measure which interfered with the recreation of the working classes, upon that only day on which they could enjoy it. Upon any question on which the good of the nation was concerned, legislation might have the best effects: but on that discussion, it seemed to him that, as the hon. Member for Marylebone had said, it was possible to go too far, and, at the same time, not far enough. In the Bill there were some things of very great importance entirely left out; and others, comparatively trivial, inserted. It appeared to him a very great hardship that a poor man might not, on the Sabbath, drink his glass of beer, or wine, or spirits, if he liked: it was an invasion, scarcely justifiable, upon the amusements and recreations of the working classes, and the Bill did not legislate upon matters much more important, and which came nearer to the profanation of the Sabbath. But as the hon. Member would, no doubt, take that into his consideration, he (Mr. Trevor) should certainly, as in common justice, vote for its re-committal.

Mr. H. Bulwer opposed the Bill.

Lord *Morpeth* had not heard anything said to induce him to think it unadvisable that the Bill should at least be re-committed, and he hoped the House, which had agreed to the principle, would suffer that.

Mr. *Roebuck* asked if cook-shops and milk-shops, were included in the Bill?

Mr. *Poulter* said, they were not included in the Statute of Charles.

Mr. *Warburton* did not see why public houses, in which spirits were sold, should be allowed on the Sabbath, while beer-shops were not; nor why newspaper-shops should be allowed. He saw no necessity for legislating upon the subject, for there was no evidence that the country had retrograded in the observance of the Sabbath.

Mr. *Baines* said, he did not approve of the Bill as it then stood, but he should vote for its re-committal.

Mr. *Jervis* would vote against the Bill: he was convinced that it would never operate, but would be quite nugatory: referring, as it did, to the Statute of Charles, one would be obliged constantly to look at that Act, and, instead of a small pamphlet, every man would be under the necessity of carrying a folio volume in his pocket, to ascertain what was therein excepted by the provisions of the Bill. He would also affirm, that the Bill, if it did operate, would be exceedingly oppressive.

Sir *Andrew Agnew* said, it was curious to see the difference of opinion which prevailed upon the subject; some saying the Bill did not go far enough, and others that it went too far. Of course everything that went to establish the former conclusion, was, of course, music to his ears. The hon. Member for St. Alban's (Mr. Ward) had wondered that he should propose so many different measures; the reason was, that he meant to go on, by little and little, till at last he had brought the House round to some conclusive measure; as he was convinced that if not the majority in that House, the majority of the people were with him.

Mr. *Wakley* said, the Bill left the poor man without any protection whatever, and prevented him from indulging in any innocent recreations and enjoyments. Even if the Bill were to pass, it would be wholly inoperative. It prohibited "every act of trading in open shop." Now, what did the hon. Member mean by the phrase "open shop?" a shop with the door open? ["*No*" from Mr. Poulter.] Nothing was more easy than to say "No:" but what would the Magistrate say when the parties were brought before him? If the door were open, the tradesman would be prosecuted: so that it appeared the act of vending was to be secret, and not open. He opposed the Bill, in hopes that the hon. Member would at least bring in a Bill which should be plainly understood by all parties concerned.

The House divided on the original Motion: Ayes 43; Noes 54—Majority 11.

Bill postponed for six months.

List of the AYES.

Agnew, Sir A.
Alsager, Captain
Baines, E.
Balfour, Thomas
Baring, F.
Bethell, A.
Bewes, T.
Brocklehurst, J.
Brodie, T. B.
Chapman, A.
Clerk, Sir G.
Collier, G.
Crewe, Sir G.
Dillwyn, L. W.
Finch, G.
Forbes, W.
Forster, C. S.
Freshfield, J. W.
Goring, H. D.
Hardy, J.
Maxwell, J.
Ingham, R.
Johnston, A.
Johnstone, J. H.
Kearsley, J. H.
Martin, J.
Morpeth, Lord
North, F.
Perceval, Colonel
Phillips, C. M. S.
Plumptre, J. P.
Price, G.
Pringle, A.
Richards, J.
Sibthorp, Colonel
Strickland, Sir G.
Stewart, J.
Trevor, A.

Verney, Sir H.	Young, J.
Williams, A.	TELLERS.
Wilmot, Sir Eardley	Poulter, J.
Young, G. P.	Pryme, G.

Paired off.

FOR.	AGAINST.
Bateson, Sir R.	Nagle, Sir R.

ROMAN CATHOLIC MARRIAGES (IRELAND).] Mr. *Lynch* moved the second reading of the Roman Catholic Marriages Bill; and began by stating, that the object of this Bill was, to repeal so much of an Act of the 19th year of King George 2nd "as makes void all marriages celebrated by any Popish priest between Protestant and Papist," and thereby to remove from the Statute-book a severe and penal Act, the remnant of that code which so long disgraced the laws of this country, an Act which pressed heavily upon the conscience of parties, inflicted great injury upon innocent individuals, and operated most mischievously upon the public interest. Upon a former occasion he stated, that the law of marriage in Ireland at this day is the same as in Scotland, the same as the law of marriage in England before the Marriage Act. Some hon. Members doubted the accuracy of this statement, it was however confirmed by the right hon. Baronet, the Member for Tamworth, upon the introduction of his Dissenters' Marriage Bill, and by every other hon. Member who took part in that debate. The words *de præsenti*, followed by consummation, are sufficient for the validity of a marriage in Ireland; but strange to say, that if there be a religious ceremony, the marriage is void if that ceremony be performed by a Roman Catholic clergyman, one of the parties being a Protestant, or having been a Protestant within twelve months previously. This pressed heavily upon the conscience, and it pressed heavily upon the Catholic, because it was the Catholic who called for the ceremony, matrimony being a Sacrament of the Roman Catholic Church. He asked, what was this but persecution, and persecution towards the Catholic exclusively? as a marriage between a member of the Established Church and a Dissenter, was not invalid, although that religious ceremony was performed by a Dissenting minister. By several Statutes Catholics were prevented from marrying with Protestants. He could never understand the policy of those Statutes, as proselytism must be the policy of every new religion; and such policy could not be better advanced than by free intercourse and intermarriages. The Act of Henry 8th, prohibiting the English from intermarrying with the Irish, was not more absurd in reference to the policy of settlers in a country than those Statutes were in reference to the propagation of a new religion. If those Statutes had been repealed, Catholics and Protestants might intermarry by law. There had been other severe and penal Statutes inflicting the severest punishment, even the punishment of death upon Roman Catholic clergymen performing the ceremony between Roman Catholics and Protestants. Those Statutes had also been repealed. They had, he said, removed the penalties from the priest. He now called upon them to remove the penalties from the parties. Catholic and Protestant were by law allowed to marry. The Legislature could not, and ought not to prevent their so doing. In mercy to the individuals, he called upon the House to repeal this barbarous Act. It was frightful to think that all the children of those marriages were illegitimate, the marriage being *ipso facto* void. So that not only the parties themselves, perfectly innocent, but ignorant of the law, might suffer, but the innocent children of the marriage must necessarily suffer. He asked, was this just or humane? But this was not all. Under the protection of this Act, the grossest villany and depravity might be perpetrated. A man knowing the law, determined upon the ruin of an innocent female, and having failed to seduce her from the paths of virtue, might get the ceremony of marriage performed by a Roman Catholic clergyman, and might afterwards repudiate that woman as his wife. A man meaning everything honourable, but ignorant of the law, might marry and have the religious ceremony performed by a Roman Catholic clergyman; he might get tired of his wife—he discovered the law, and he also might repudiate his wife. But whether the wife were repudiated or not, the children are illegitimate. He asked, whether this law ought to be allowed to remain? There had been similar penal laws in Scotland relating to marriages between Catholics, Presbyterians, and Protestants. These Acts have been repealed, and now Roman Catholics might marry with Presbyterians or Protestants in Scotland—and have the marriage performed by Roman

Catholic clergymen, and the marriage was good. So that the persecution under this Act was not only exclusively Catholic, but exclusively Irish. In England there was a Marriage Act, but it pressed alike upon the Protestant, the Dissenter, and the Catholic. It might be said, why not have a ceremony also performed by a Protestant clergyman, in which case the marriage would be good under the 33rd George 3rd. But he asked, why should such a ceremony be compulsory. It was persecution again—it was another interference with conscience, as one of the parties might object to such a ceremony. All that he asked, all that would be effected by the repeal of this Act would be, that if a Protestant, yielding to the conscientious feelings of the person whom he was about to make his partner for life, allowed the ceremony to be performed by a Roman Catholic clergyman, his doing so would not vitiate the marriage, and render his children illegitimate; for let it be recollected, he said, the marriage would be good without any ceremony whatever. He might state to the House many cases to show how injuriously this act operated with regard to individuals, but he would be content with stating two:—The first was the case of a marriage between a Protestant and a Catholic, the religious ceremony having been performed by a Roman Catholic Clergyman only. A large personal estate descended upon the wife, which the husband possessed, and laid it out entirely in the purchase of land. He died intestate, and the wife claimed her dower; but the heir at law resisted such claim, and successfully, by proving that one of the parties was a Protestant, and that the religious ceremony had been performed by a Roman Catholic clergyman. The next case was one he stated last year, but it could not be too often stated. An officer in the army in a town in Ireland, married a lady about twenty-four years since, and the religious ceremony was performed by a Roman Catholic clergyman. There was issue of that marriage one child, a son. A large estate descended upon the father, which he enjoyed during his life; he died leaving his son very young, who was made a ward in court, in a suit in which many members of the family were parties, including his uncle the remainder man. This son was considered and treated as the legitimate son of his father, and was allowed the sum of seven hundred pounds a-year for his maintenance. Upon his coming of age, and upon his requiring that he should be let into the possession of the estate, his uncle the remainder man, turns round upon him and says "I have discovered that your mother professed herself to be a Protestant within twelve months before her marriage, and as the religious ceremony was performed by a Roman Catholic clergyman, the marriage is void, and you are illegitimate"—so that this man has now to prove, at the distance of twenty-four years that his mother was not a Protestant at that period, or did not profess herself to be one. If he should fail he will be left without a shilling. This was the operation of the Act, and he (Mr. Lynch) put it to the House whether such a law should be allowed to remain. This act operated most mischievously upon the public interest. It endangered all titles and rendered the enjoyment of all property insecure. Marriage was a necessary link in all titles. Every purchaser was obliged to require evidence of the marriage of the party under whom the title was derived. But while this Act remained on the statute book, it would also be necessary for him to inquire into the religion of both parties and to inquire by whom the religious ceremony was performed. Evidence might be procured upon all these facts, and the purchaser might be satisfied, but how could he be secure that all the circumstances of the case had been disclosed to him, and if they had not, he might, at the distance of twenty years, be deprived of the estate which he had purchased with the fruits of his hard labour and earning. He again asked the House was this a state in which the law should be left? This act which he sought to repeal had the effect of bringing the administration of the laws into disrepute, for both judges and juries would exert themselves in every way to evade such a law. They would as in the case of capital punishment, and as alluded to by Blackstone, be guilty of what was called pious frauds and perjuries. The consequence was the lessening of respect for the administration of law in general. A remarkable instance of this sort occurred in France. After the revocation of the Edict of Nantes, an act very similar to this was passed, enabling a Huguenot becoming a Catholic to repudiate his wife. Some cases of glaring villany and hardship having come before the courts, the judges absolutely refused to execute the law, and finally it was repealed; but in the meantime the administration of justice suffered. It would, no doubt, be urged on the other side, that a general measure should be brought in regarding the law of marriage in Ireland. He thought so too, but he was of opinion that nothing effectual could be done without a good system of registration, and this must be a measure brought forward by government; but whatever might be applied to Ireland respecting the law of marriage in that country, this act, he said, must be repealed. This anomaly must be got rid of. Why not do it now? It would also be urged that the repeal of this act would tend to clandestine marriages. He was at a loss to know how it could have that effect. All marriages might now be performed in Ireland at any hour of the day. The repeal of this act would not, therefore, alter the law in this respect. There was no publication of bauns, or obtaining a license required in Ireland. There were laws against clandestine marriages in Ireland, and against the marriage of minors. He did not propose to alter any of these laws. If further laws were necessary he would not refuse his consent; but then they must be equally applicable to all. Besides, they had to rely upon the respectability and character of the Roman Catholic clergymen in Ireland, and the law of the Roman Catholic Church was, that no religious ceremony is valid in that church that is not performed by the parish priest or some one deputed by him, and in the presence of two witnesses, and the priest is enjoined to inquire into the prohibited degrees, which are more severe in the Catholic than in the Protestant Church; and those Gentlemen who oppose the repeal of this act on this ground, and who would not allow the validity of a marriage between Protestant and Catholic, celebrated by a Catholic priest, are not shocked at, and take no steps to prevent, the marriage of the celebrated Joseph Wood, at the Haymarket, in Dublin, or his successor. Upon these grounds he besought the House to repeal this act, and for this purpose to read the Bill a second time.

Colonel *Perceval* said, he had listened with attention on a former occasion to the speech in which the hon. and learned Gentleman had introduced this Measure, and from full consideration of the topics urged in that speech, as well as of the provisions of the act, itself, he felt it his duty decidedly to oppose the Measure proposed by the hon. and learned Member. In offering himself to the House, he wished to be distinctly understood, that he should be very far from opposing a Measure which had for its object to effect a total improvement in the law relating to marriages in Ireland; but, on the other hand, he felt himself bound to oppose the hon. and learned Gentleman, when he heard from him, that his object in bringing forward this Bill was to repeal the enactment of the 19th Geo. 2nd, which made null and void all marriages celebrated by a Roman Catholic Priest between parties who are Protestants, or where one of them is a Protestant and the other a Roman Catholic: for he must be allowed to remind the hon. and learned Gentleman that the Act in question was the only check now left against the performance of clandestine marriages in Ireland. He (Colonel Perceval) opposed this Bill, therefore, not because he was averse to a change in the Marriage-law, but because he thought that it would introduce a greater evil by removing the check which the law had provided against clandestine marriages. And why had the law interposed the provision making marriages celebrated by a Roman Catholic Clergyman, where Protestants were parties concerned, null and void? It was because the Roman Catholic Clergyman would not allow of the interference of the religious regulations which were absolutely necessary in a Protestant state! The Roman Catholics considered it a degradation to them that the law of the land required that such marriages should be first solemnized by Protestant Clergymen; but why had the legislature imposed this necessary preliminary? It was not that the law gave, or aimed at giving, any exclusive rights to the Clergyman of the Established Church, or allowed him to celebrate the marriage, but that he is by the law of the land the Clergyman of the parish where the marriage is to be solemnized, and the person appointed by law to make the necessary inquiries as to the parties between whom it is to take place. The hon. and learned Gentleman had said that Protestant Clergymen and Roman Catholic Priests can, and do, celebrate marriages at any hour of the day or night, without the publication of banns or the obtaining a license; but he (Colonel Perceval) differed *toto cœlo* from the hon. and learned Gentleman in this respect. He (Colonel Perceval) had not the great advantage of being a legal man, but he would, nevertheless, say that, as the law stood, no Clergyman of the Established Church could legally celebrate marriage unless the banns had been three times published, or a license obtained—and a license could not be obtained until the proper officer appointed for granting it was satisfied of the propriety of granting it, or if either of the parties was under age, until the consent of the parents or guardians of that person were obtained. This he believed to be the law, and although he was aware of the disadvantage under which he (Colonel Perceval,) who was not a legal man, laboured when opposed to the hon. and learned Gentleman opposite, yet he would endeavour, as far as he could, to make out his case by reference to the law as it stands. By the 62nd canon of the Ecclesiastical Law, it is provided that no Clergyman of the Established Church shall, on pain of suspension during three years, celebrate marriages between any persons without banns or license, nor at unseasonable hours, nor in any private place—nor, if the parties, or one of them, be under age, without the consent of the parents or guardians of such persons. Here was a distinct provision against the evils which he feared. One great objection he had to giving this unlimited power to the Roman Catholic Clergyman was the impropriety of celebrating marriages at unseasonable hours. With respect to the places at which the ceremony might be performed, the hon. Gentleman had certainly brought forward some insulated cases; but he (Colonel Perceval) was satisfied that the marriages between Protestants, and Protestants and Roman Catholics, were generally performed in the open Church. He could not tell whether this law which he had cited was, properly speaking, the act of the Legislature or not, because he was not sufficiently learned in the law to be aware of the fact; but he could say that it was the Ecclesiastical Law which the Clergy of the Church of Ireland were bound to respect, under which they were liable to suspension and under which they could not with propriety encourage clandestine marriages, or celebrate them, without having first given every opportunity of ascertaining whether there was any lawful impediment to their solemnization, or if the parties were under age, without obtaining the consent of the parents or guardians. The hon. and learned Gentleman stated that was a persecuting act under which the Roman Catholics suffered. He (Colonel Perceval) denied that it was a persecuting act, or that they suffered, or had any reason to complain of the law requiring that all marriages between Protestants and Roman Catholics shall first be solemnized by a Protestant Clergyman. Why was this regulation imposed? It was, as he before said, because the Roman Catholic Clergyman did not conceive himself to be under the influence of the law in this respect; because he disavowed the right of interference in any Ecclesiastical concerns; because he did not submit to the necessity for the publication of banns, to the legality of licenses, or to the examination which ought always to be entered into before persons are allowed to marry; because the Roman Catholic Clergyman wished to have an uncontrolled power of solemnizing marriages, when, where, and under what circumstances he pleased, and without ascertaining those facts, the knowledge of which was absolutely necessary for the welfare of the parties concerned. The hon. and learned Gentleman referred to what he supposed to be a security—the presence of two witnesses; but he (Colonel Perceval) must be allowed to say, that any idea of security to arise from such a source was absurd, because there was good reason why proof should be given before witnesses as before the Ecclesiastical authority, of the non-existence of any moral objection. The hon. and learned Gentleman also said, that Roman Catholics were prohibited from celebrating marriages, where Protestants of the Established Church were parties; but he said, that the Dissenters also were under the same disability, and he referred the hon. and learned Member to the 21st and 22nd Geo. 3rd, c. 25, declaring the marriages of Dissenters by Dissenting clergymen valid, but making an express exception of cases where either party was of the Established Church. [Mr. *Lynch*: No!] The hon. Gentleman might say "no" but the statute-book says "yes;" and he (Colonel Perceval) would refer the hon. and learned Gentleman to the act itself. The Act now proposed to be passed by the hon. and learned Gentleman would put the Roman Catholic Clergy in a better position than the Dissenting Clergy; but the legitimate object of all enactments on the subject should be to discountenance the predominance of any one sect in Ireland, and to give to clergymen of every persuasion the power to solemnize marriage, if those precautions are taken beforehand which are rendered absolutely necessary by the solemn nature of the contract, and which were sanctioned by universal practice. The Act it proposed to repeal was the only one now in existence which prevented the Roman Catholic Priest solemnizing marriages when and how he pleased. He put it to the hon. and learned Member whether it was dealing fairly with the Protestant Established Church to give permission to the Clergyman of another persuasion to come in and celebrate marriage, where Protestants were parties concerned, just as they pleased, without instituting those inquiries, and taking those precautions, which were absolutely necessary for the welfare of the individuals. He put it to the hon. and learned Gentleman whether it was fair to sweep away the only check that was now left on the performance of clandestine marriages. He did not wish, God forbid that he should! to interfere between them and persons of their own religion; but he did wish to prevent them from coming into families professing another faith —rendering themselves accessory to abductions—and being ready at any time to celebrate marriages if they were duly paid: all which this Bill would allow them to do, without any check whatever. An Act passed in the 12th of George 1st, which made it a capital felony for a Clergyman of either religion to contract marriages of this description, the severity of that penalty caused the Act to be imperative, because parties would not prosecute when prosecution would subject the offender to such severe consequences. To do away with the penalty it was, that the Act which the hon. and learned Member now proposed to repeal, the 19th Geo. 2, was passed, making the marriage contracted under such circumstances void, but repealing the penal enactment of the former. A Bill was introduced two sessions ago by the Attorney-General for Ireland, repealing that part of an Act passed in the 32nd, Geo. 2nd, which imposed a penalty of 500*l.* in lieu of the former severe penalty, without substituting any other in its place, the consequence of all which was, that while the Protestant Clergyman was still subject to severe penalties for non-performance of his duty in the due celebration of marriages, the Roman Catholic Priest was subject to no punishment whatever. No man in the House was more anxious than he was to see a general Marriage-law brought in; but until some such measure as that was passed, he felt it his duty to oppose to the utmost extent any legislative enactment which would take away the preventive to Roman Catholic Clergymen from entering as they pleased into families of persons of another persuasion, and marrying individuals without the consent of their parents or guardians. He would read a passage from a letter which he had received on the 14th May, the day on which the second reading of this Bill was to have come on, from an Archdeacon of the Church of Ireland, and in which he stated two occurrences of themselves sufficient to prevent the Legislature from granting this power to the Roman Catholic Clergy.—The writer says, "I will state a circumstance which occurred in this place on Thursday last. A young man, aged nineteen years, applied to me for a licence to marry a woman of forty. I asked him if they were Roman Catholics; but he said they were Protestants, and, looking at the disparity of ages, I refused to grant the licence. He then immediately went to a Roman Catholic priest, who, for the sum of 1*l.* 5*s.*, married them directly. If such things as these are allowed to go on, there will soon be an end to that authority which parents ought to possess during the minority of their children. A worse case than the above occurred in another place: a priest married a young gentleman, eighteen years of age, to his mother's maid-servant, which had such an effect on the mother that she died in consequence of it." The Protestants, he repeated, did not wish to interfere with the power enjoyed by the Roman Catholics when exercised among themselves; but they did object to its operation in the families of Protestants, unless under proper restrictions. As the law stood, the parties are obliged to go before a Protestant clergyman, who could not, except under severe penalties, celebrate marriage without first making inquiries necessary for the satisfaction of the families of the parties. The Protestants did not object to extend the same power to the Roman Catholic clergy, without the necessary consequence of nullity in the marriage, if they would submit to go through the same precautionary system as was gone through by the Protestant clergy, and give every publicity to the intentions of the contracting parties as would make the necessary inquiries previously. He would be the first to support a general Marriage Bill which should contain such a condition as that. The hon. and learned Gentleman in one of his arguments seemed to infer that while the Roman Catholic priest was, comparatively speaking, prevented from celebrating such marriages, persons of the Protestant faith, even Laymen, could do so with impunity. Any general Marriage Act must remedy such an evil as that, or it would be utterly inefficacious. The moral feeling of the people of Ireland led them at present to wish that marriages should be so celebrated as to render them valid, morally speaking, as well as in point of faith; and he certainly thought that the hon. and learned Gentleman would allow that moral feeling full play, and should not introduce any measure which would tend to the increase of clandestine marriages, by giving to the Roman Catholic clergy a power to celebrate marriages without their being under necessary precautionary restrictions. Under all these circumstances, hoping that the hon. and learned Gentleman might be induced not to press forward his Bill now, and feeling as he did his inability to compete with the hon. Gentleman in argument, he should still attempt to discharge what he felt to be his duty, by moving that this Bill be read a second time this day six months.

Mr. *O'Connell* said, it was no disparagement to the hon. and gallant Member to be ignorant of law, but lest his statements might have made an impression on the House, he begged to put the matter right. He admitted that if the gallant Member was right in point of law, the Act then under discussion ought not to pass. As the law at present stood, however, nobody suffered but the innocent children, and them alone; and he would ask, was that a state of things to continue? The guilty clergyman, the guilty father, escaped; but the law at present inflicted its direst penalties on the innocent children. The hon. and gallant Officer was totally ignorant of the law of marriage in Ireland; he had said, that a marriage between two Protestants was not valid, except celebrated according to the canons of the Church of England, or by licence; that, in short, it was attended by some precautions. Now, he would not dispute with the gallant Officer as to extent; but, in fact, there were none.

Colonel *Perceval:* I stated, that if the clergyman celebrated the marriage improperly, he was liable to be deprived, *ipso facto*, for three years, of his benefice.

Mr. *O'Connell* admitted, of course, that the marriage-maker, the clergyman, was liable to punishment, except he had no benefice; but then the marriage itself was perfectly valid, and that was a resource to the very worst class of clergymen in Ireland. As soon as they were deprived for misconduct, they set up as marriage-makers. They might marry whom they pleased, and where they pleased; and the Bishop had the power certainly to degrade him, but the marriage notwithstanding was a legal marriage. A man of the name of Wood, a couple-beggar, had resided for nearly thirty years in the Haymarket, and was in the constant habit of marrying persons for half-a-crown. Those marriages in all cases in Ireland were decided to be legal; and in one instance, in the case of a prosecution for bigamy, in a family with which his (Mr. O'Connell's son) was connected, Wood's book, after his death, was admitted by the Court as evidence. But when Wood died, did his trade die with him? No such thing. Another degraded Protestant clergyman took it up, and at the present moment was following his vocation. There was one man who had been actually married by him four times, at 1*s.* 6*d.* each time. That was the state of the law at present; and the practice was even now going on. There was in fact no Marriage-law in Ireland. There were sectarian Marriage-laws indeed; every Protestant clergyman could marry, when he pleased, the Presbyterian, the Catholic, the Episcopalian. By leaving the statute in existence, they would not punish either of those two clergymen, however improperly they might have married parties; but upon whom did the penalty fall? Upon the issue of the marriage? Now, ought that anomaly to remain. He wished to have the Bill go into Committee. It was a curious fact, that in England the Marriage-law was the strictest, and in Scotland the loosest, of all the nations of Europe. In the latter, it was only required that the parties should sign a written contract; and yet there was no people in the world more distinguished for prudence in marriages than the Scotch. In Ireland, the law was a kind of medium between the two; but there was one great anomaly, and that ought to be taken away, and the law made equal to all. Sectarian prejudices being then at an end, nobody, whatever his prejudices, could come forward with such cases as those which they had heard. On what ground was the hon. Member's Bill opposed? Because there were "sectarian prejudices." Why the Catholic told them that the law was of a sectarian character, and till it was repealed it would continue so. When the present measure had passed, the law would be equal to all, and then the general Marriage-law ought to be discussed with the calmest temper, and settled, after a careful examination, with the most rigid impartiality.

Mr. *Shaw* objected to the Bill, while he was free to admit the anomalous and imperfect state of the whole Marriage-law in Ireland, and as ready as any hon. Member to support an enlarged and general measure for its revision and improvement. The only effect, however, of the Bill then proposed would be, to remove the single obstacle to the celebration of clandestine marriages by Roman Catholic priests—and although as was agreed on the other side, such marriages might be performed without the clergy, yet the disinclination of the people to be married by any other than a regular clergyman operated as a moral check in that respect. It was very remarkable that though within the last two years the subject had been legislated upon by the present Attorney and the late Solicitor General of Ireland, they both had purposely and advisedly omitted the enactment which it was by that Bill sought to introduce, rendering such marriages valid, and by that means repealing the 19th George 2nd, which was passed expressly to annul marriages, celebrated by Roman Catholic priests, between Protestants and Roman Catholics, notwithstanding the severe penalties which at that time were in force against Roman Catholic priests for celebrating them. He had not objected to the Bill of the present Attorney General (Mr. Perrin), abolishing those penalties, because he considered them extreme, and out of proportion to the offence; but he deprecated the present Bill, which, without improving the Marriage-law in Ireland generally, would do away the only practical impediment to clandestine marriages being performed between Members of different religious persuasions by the Roman Catholic priesthood.

Dr. *Lushington* did not see why because the Attorney-General was not in his place, they should not go on then without him. He had a great respect for that hon. and learned Gentleman and believed that if he were in his place he would be among the best supporters of the Bill. Let them not wait then, however, for that learned Gentleman to remove a great practical grievance from the Marriage-law of Ireland. With respect to the measure, it proposed to repeal a statute, the effect of which was to render null and void all marriages celebrated by Popish priests between Protestants and Catholics. Now let the House look at the inconveniences arising from the present state of the law, and compare them with the expected consequences pointed at by the gallant Colonel, and the right hon. Gentleman. Was there one thing in the whole world more difficult to be ascertained before death, much more, subsequently, than the religious belief and profession of any particular party? Who was to make the inquiry? Who was to pay the penalty? Put a case: an unfortunate woman, ignorant of the state of the law, relying upon the assertions and the promises of him who led her to the celebration of the marriage, who told her that she had but to answer "Yes," to the questions proposed to her, and that her marriage would be good. Relying upon the faith and assertions of him in whom she would of all others naturally place the most unlimited confidence, the marriage took place: what happened? First he would suppose an investigation took place; and her religion was discovered to have been Protestant. Upon whom fell the penalty? not upon the priest; not upon the seducer;—no, but upon the unfortunate woman, and her children! Was that justice? Was that equality? Was that the law of Ireland? Or again: the marriage existed for years: a question arose as to the title of an estate: an inquiry took place as to whether the parties were both Roman Catholics at the time of the marriage: the witnesses were dead: the fact could not be proved; the children were declared illegitimate;

and the estate fell to the next heir. Now, such a law was a disgrace to civilized life. It was rendering uncertain that contract, which of all others ought to be the most certain: it was putting into the hands of a party, those rights and privileges, which ought to be most sacredly preserved by every nation which looked to the happiness of its subjects. Clandestine marriages were great evils, against which he (Dr. Lushington) had raised his voice for many years; but prior to the year 1754, marriages were single contracts "*per verba de præsenti!*" they ought to prevent improper marriages, but when once the marriage was performed, the contract should be valid. It was no remedy, but in ninety-nine cases out of 100, instead of a remedy, it was a penalty, to render the marriage null and void. It blasted the prospects of the parties for ever, and then talked to them of a "remedy." Let the Legislature prevent the marriage if it could; but let the knot, once tied, be tied for ever. Upon those grounds, he (Dr. Lushington) hoped the Bill would ultimately go farther in its provisions. He hoped it would be rendered retrospective, and that the Legislature would seriously direct its attention to the whole Marriage-law of England and Ireland, so as to afford reasonable security against clandestine marriages; but to make them when once contracted endure for the lives of the parties.

Mr. Sergeant *Jackson* concurred in much that had fallen from the learned civilian, and considered that it was most preposterous after the law had inflicted capital punishment to superadd a penalty of 500*l*. He concurred likewise in the view taken by the learned doctor of the evils resulting from clandestine marriages, and it was that consideration which induced him to urge the advocates of the Bill rather to bring in one general Marriage-law, and not by the present measure to remove the only bar which then existed in Ireland to clandestine marriages. He was not one of those who desired to see the law remain in its present state; on the contrary, he should cheerfully support an extended measure of improvement, but it was because he felt anxious for that larger measure that he did not think it wise to proceed with the second reading then moved, the more especially as the Law Officers of the Crown for Ireland were not then in their places.

Lord *Morpeth* said, that although he had not the advantage of hearing the sound and skilful opinions of the Attorney and Solicitor-General for Ireland, he could not but feel that there was quite enough of law in the House to justify him in consenting to the second reading of the Bill. He hoped that before it went into Committee the Law Officers of the Crown would be in the House.

Mr. *Sheil* was in favour of the measure. He was at a loss to ascertain how the gallant Member (Colonel Perceval) had obtained such a knowledge of canon law, but on consideration he supposed it was acquired during his recent connexion with the Ordnance Department.

The Bill was read a second time.

LIMITATION OF POLLS.] Mr. *Elphinstone* moved the second reading of the Bill, for limiting the duration of the Poll at elections which contained only two enacting clauses; viz.; on the limiting the poll at elections to one day in counties; and the second for effecting the same purpose in boroughs. The experience of the general elections since 1832, sufficiently proved that all the freeholders in the most extensive counties could be polled in one day, inasmuch as no less than 1,000 voters had been taken in that time at one booth, whilst the average number which it would be necessary to take would only be 600. At the general election in 1832, three-fourths of the electors polled in one day. Taking ten of the largest counties, he found that out of 44,561, persons who voted, 37,075 voted on the first day. The results of the boroughs, in the elections was still more favourable to his view, and he therefore could have no doubt that it was feasible to take all the polls in one day. The chief object of his Bill was to defeat the intentions and wishes of those who, by holding their votes till the second day, expected to obtain a bribe after the struggle had commenced.

Mr. *Ewart* said, the practicability of the Bill was shown clearly on the evidence given by the town-clerk of the borough he represented, both before the Corporation Commissioners and the Committee of the House on the subject of election proceedings. The number of electors in Liverpool exceeded 11,000, and the officer to whose testimony he referred proved that the poll there could easily be taken in one day. He had great pleasure in seconding the Motion.

The *Attorney-General* did not rise to oppose the second reading, though he doubted the expediency at the present moment of proceeding with this single measure. It could not be forgotten that the hon. Member for Middlesex, the chairman of the Committee which had recommended this and other measures of large importance for completing the machinery of the Reform Act, had given notice of a Bill having a similar object to the present. Besides this, nothing could be easier than to include all the details and provisions of this Bill in the Registration Bill which had been introduced by his noble Friend the Secretary for the Home Department. His only anxiety was to prevent the confusion which might arise from so much legislation on the same subject. One general act might comprise all these details, and approving, as he did entirely, of the principle of this Bill, he should not oppose its second reading, in the hope that the hon. Member for Hastings would postpone its future progress until the other measures to which he had adverted were fully before the House.

Mr. *William Duncombe* also thought that the Bill might be embodied in one of those before. or about to be before, the House, especially in that Bill for the better registration of voters. He had great doubts as to the policy of limiting the poll to one day only, particularly in counties. It was extremely questionable whether all the electors could be brought up to the poll in one day in wide and populous districts, like the one he had the honour to represent. Under these circumstances it would be advantageous, in large districts, to allow the poll to remain open for the same period as at present.

Mr. *Baines* said, that in the West Riding of Yorkshire there were 7,000 voters. On a late occasion the total number polled was 16,000, of whom 13,000 were polled in one day. He was assured that double that number could with perfect convenience have polled in the same time. It would be a great benefit to the country to have the elections take place in one day, for, generally speaking, corruption took place on the night between the two days of polling.

Mr. *Aglionby* concurred in the observations of the learned Attorney-General, and thought that if more general measures on the subject were not proceeded with, the present one might be carried into effect. If polling were to be limited to one day there should be a more speedy mode adopted than the present one of taking the poll.

Dr. *Bowring* approved of the principle of the Bill. It would be a great improvement of the law; and, wishing to see its provisions extended to Scotland, he should, when it got into Committee, move the omission of the Clause restricting its operation to England.

The *Lord-Advocate* concurred in the propriety of extending the provisions of this bill to Scotland, but thought that it would be necessary in that case to provide some remedy to prevent the tendering of unnecessary oaths for the mere purpose of creating delay. He thought that the best mode of preventing such a trick would be to introduce into the bill a clause providing that if at 4 o'clock, when the poll now closed, there were any electors unpolled who wished to poll, they should give in their names immediately to the returning officer, and that the poll should be kept open the next day till they were all polled.

Colonel *Sibthorp* opposed the Bill. Ill health, bad weather, and many other circumstances which it would be tedious to enumerate, might prevent an elector from voting on the first day of the poll, and therefore, in his opinion a second day ought to be allowed.

Lord *Morpeth* gave his cordial support to the Bill. He had just returned from the election in Yorkshire, at which a greater number of votes had been polled than at any other election which had taken place under the Reform Bill, and he knew that in one of the most populous districts, at which he happened to be, at 1 o'clock on the first day of the poll, a large majority of the electors had polled by that hour. Indeed, the chief business of the day was then over, as not more than 5 or 6 electors afterwards straggled in. That circumstance proved that it would be as satisfactory to the electors as to the elected to have the poll terminated in one day.

Mr. *Warburton* thought that it would be most desirable to secure the passing of this Bill in the present session, as it was impossible to tell how soon they might be sent back to their constituents.

The *Attorney-General* wished not to be misunderstood. No one was more desious than himself that this enactment should pass in the present session, and it was only in the hope that it would form part of another bill already before the House that he had wished all further proceedings to be postponed for the present. If the bill to which he had alluded should be in any danger, he would willingly support the present measure.

Mr. *Blackstone* entirely agreed that it was desirable to have the poll taken in a single day, for a second day only tended to encourage bribery.

Mr. *Cayley* also concurred in the opinion that the second day afforded a decided advantage to the candidate who had the longest purse, and, therefore, he should give this Bill his support.

Mr. *Pease* thought that voters should be-allowed to vote where they resided, and not where their property was situate. He agreed that this Bill would be a great improvement.

Mr. *O'Brien* wished to have the provisions of the Bill extended to Ireland.

Mr. *O'Connell* supported the Motion, and hoped that the good example it would set for England would be extended to Ireland.

Mr. *Hardy* also supported the Motion. In his view of the subject the poll should proceed without interruption. Any objection taken to a voter might be made at the time when the vote was given, and heard afterwards, when the only question which could be raised would be as to the identity of the person to whom the objection was made.

Motion agreed to, and Bill read a second time.

HOUSE OF LORDS,

Thursday, June 4, 1835.

Minutes.] Petitions presented. By Lord Feversham, from three Places, for Relief to the Agricultural Interest.—By the Earl of Roden, from Leighlin, against Appropriating the Revenues of the Protestant Church to other purposes.—By the Bishop of Chester, from Durham, against the use of Spirituous Liquors; from four Places, for Protection to the Protestant Church of Ireland.

Central Criminal Court.] Lord *Brougham* called the attention of the House to a matter on which he had recently obtained a return, namely, the number of cases tried at the Central Criminal Court, before the Judges and the city officers. Malicious persons, who were the more malicious in proportion to their ignorance, had represented that the learned Judges now, since the passing of the Central Criminal Court Act, had tried fewer prisoners than formerly. The statement was utterly devoid of truth, but was not the less persevered in. The return which he had moved for, and which was now made, showed that in each of three years, the number of larcenies tried by the City law officers was nearly the same—namely, 725 in one year, 694 in another, and 674 in a third. In the first of these years, there were 806 offenders, out of which number 725 were tried for petty larcenies alone. The graver offences only were brought before the learned Judges. To prove that their labours were not less, but greater than ever, he had moved for this return. It was a return of all offences tried during six months of six successive years. In this return he had selected the seven principal offences—burglary, forgery, cutting and maiming, manslaughter, rape, and robbery. In the six months ending April, 1830, the City law officers had tried, of these principal offences, thirty-three; the learned Judges had tried thirty-seven. In the last of the six months selected — namely, the six months ending April 5, 1835, the City law officers had tried, of these graver offences, twenty-seven; while the learned Judges had tried sixty-nine. So that, in former times, before the Central Criminal Court was established, the City law officers had tried, of the graver offences, nearly as many as the learned Judges; but in the last six months the number of these graver offences tried before the learned Judges was nearly double that of the graver offences tried before the City law officers. He had excluded cases of murder from this return, because cases of that kind were sometimes tried indiscriminately by the City law officers, and by the Judges. He had mentioned these things, because malicious persons had represented that since the institution of the Central Criminal Court the learned Judges had tried less than formerly the number of offenders brought before the court. The reverse was the fact; but that did not prevent these persons from making the statement. He could not conceive the motive for these misrepresentations, except that he was the author of the Central Criminal Court Bill. He now moved that the return should be printed.

Agreed to.

HOUSE OF COMMONS,
Thursday June 4, 1835.

MINUTES.] Petitions presented. By Mr. O'CONNELL, from the Catholic Residents at Madras, for Appointing a Clergyman of their Persuasion to reside among them.—By Mr. BOLLING, from Bolton, against the Dissenters' Marriage Bill.—By Lord MORPETH, from Dewsbury (Yorkshire) for Repealing the Duty on Spirit Licenses; from Tadmorden, for the Repeal of the Factories' Regulation Act; and from Leeds, for continuing the Drawback on Soap used in Manufactories.—By Sir ROBERT BATESON, from the General Synod of Ulster, against the present Manner of Administering Oaths to Presbyterians.—By Mr. WILKS, from Ashwell, against Tithes.—By Mr. HODGES, from Horsmonden, in favour of a Commutation of Tithes. —By Mr. EWART, from the Isle of Man, for a Reform of the Institutions of the Island.—By Mr. DIVETT, from Ripon, against the Erection of small Tenements for the Purpose of creating Votes; from Teignmouth, against the Dues on Coal levied by the Corporation of Exeter.—By Mr. O'DWYER, from Navan, for Exempting Materials used for Building Catholic Churches, from the Payment of Duty.—By Mr. CHRISTOPHER FITZSIMON, from Persons Confined for Debt in Kilmainham Marshalsea, for Extending the Provisions of the Imprisonment for Debt Bill to Ireland.—By Mr. HODGES, from two Places, against the same Bill; and by an HON. MEMBER, from Stratford, St. Mary, for Alterations in the same.—By Mr. CHRISTOPHER FITZSIMON, from Garristown, against Tithes.—By Mr. A. JOHNSTONE, from St. Andrew's and St. Leonard's, for the Repeal of the present Law relating to Church Patronage in Scotland.—By Mr. Sergeant JACKSON, from Castle Jordan, against the New System of Education in Ireland; from the Protestants of Clonard's, against the National School System; from three Places, for the Better Observance of the Sabbath.—By Mr. MARK PHILLIPS, from the Handloom Weavers of Bolton, for a Board of Trade.—By Mr. V. SMITH and Mr. WARBURTON, from Northampton and Bridport, for a Remission of the Sentence on the Dorchester Labourers.—By Dr. BOWRING, from Forfar and Kilmalcom, for the Repeal of the Duty on Newspapers.—By Mr. CHALMERS, from Montrose, for carrying into effect the Recommendation of the Committee on Light-houses.—By Mr. F. SHAW and Mr. BUCKINGHAM, from several Places, for the Suppression of Drunkenness.—By Mr. SINCLAIR, from two Places, against the present Law of Patronage in Scotland.—By Sir R. PEEL and Messrs. H. JOHNSTONE, A. JOHNSTON, SINCLAIR, and an HON. MEMBER, from a Number of Places, for Protection to the Church of Scotland.—By Mr. STEWART MACKENZIE, from Kirrymuir, against any Grant for Building Churches in Scotland.—By Sir ROBERT PEEL, Sir ROBERT BATESON, and Mr. SINCLAIR, from Islington and other Places, —against the Proposed Measure of Church Reform in Ireland.—By Mr. TOOKE, from Persons belonging to the Profession of the Law in Loudon, for Better Accommodation for them in the Judges Chambers; from two Parishes in London, against the Vestries' Act Amendment Bill.— By Mr. HARCOURT, from the Licensed Victuallers of Henley-upon-Thames, against the Additional Duty on Spirit Licenses.

GRANT TO MAYNOOTH.] Mr. *Stewart Mackenzie* said, I rise, Sir, to present a Petition signed by the Moderator, and agreed to by the Rev. Ministers of the Synod of the county of Ross. The petition is short but relates to two most important subjects—the grants of money to the college of Maynooth and to the Irish national education plan. With the leave of the House I will read the paragraphs, and though unwilling to originate a debate at this moment on those subjects, I hope that the circumstance of my presenting a petition, with parts of which I do not agree in opinion, will be a sufficient apology with the House for my trespassing for a short time on its indulgence. It states, "That your petitioners are deeply impressed with the importance of Scriptural education as the true and only foundation of national morality, and as the only education that can make wise unto salvation." I am, Sir, not only not disposed to doubt or contest the truth of this just paragraph of the petition, but I should hail with satisfaction the prospect of the arrival of that moment when, throughout our land, among the rich as well as among the poor, the national morality shall be universally founded on and confirmed by an education primarily scriptural, though it would be deemed sanguine in me were I to declare the period not distant. I may be permitted to express my entire concurrence in these sentiments of the petitioners. I wish I could say, that my views were in accordance with those set forth in the only other paragraph, which states, "that they deprecate the annual Parliamentary grants of national money towards supporting the Popish College of Maynooth, and the new system of anti-scriptural education in Ireland, as national sins." The first part of this paragraph distinctly, and in most unmeasured terms, briefly, but comprehensively, denounces the grant to Maynooth College as a national sin. Now, Sir, though aware how influential, how justly influential, the reverend Members of the Synod must be with their parishioners in guiding and directing their opinions, I cannot, in candour, conceal from the House my difference of opinion from that of the petitioners, in whatever degree the avowal may elsewhere operate to my disadvantage. Besides the uncontroverted fact of the grant to Maynooth having been made for several years before the union with Ireland (for nearly forty years altogether) considering that the amount of that annual grant has never amounted to 9,500*l.* except in one year, when an increase for additional buildings was included, and that it did not then exceed 13,000*l.*—when I recollect that this is the only provision made by the nation for the education of the priests of that religion which is professed in Ireland by above six millions of our fellow subjects, I feel called upon in candour to avow, on presenting this petition, that I consider it to be the duty of the Legislature not to withdraw the grant destined for fitly educating the Irish Catholic priests. While I advance this opposite opinion to that of the petitioners, I do so with great diffidence, but with perfect sincerity. In proof of the above fact, I beg to read an extract from the 8th report of the Commissioners of Irish Education Inquiry, of June, 1827:—

"The College (Maynooth) has been principally supported by Parliamentary grants, though several donations and bequests have also been received for its use. The Parliamentary grants have varied in amount from time to time. For the first twenty-one years they averaged about 8,000*l.* per annum, Irish currency. In the year 1808, the grant was augmented to 12,610*l.*, which included a sum of 5,000*l.* expressly granted for buildings. In the subsequent year, the grant was 8,972*l.*, which was continued until the year 1813, when it was raised to 9,673*l.* Irish, which sum has been granted annually ever since."

If, Sir, I differ, with all humility, from the opinion expressed by the petitioners upon the Maynooth grant, so unequivocally, and from their piety, respectability, and high character, as Ministers of the Church of Scotland, I doubt not, so sincerely and conscientiously expressed, I am bound to declare (though with regret,) that I equally dissent from their condemnation of the Parliamentary grant to the Irish Education Board, as a national sin. I cannot but lament that by so highly respectable a body of Christian Ministers, this denunciation of the plan has been so proclaimed. It has met with approval from gentlemen of all parties, on both sides of the House, and I, for one, am, I confess, desirous that the plan—I say it emphatically—should have a fair trial. If I could believe it to be a national sin to endeavour to instruct the ignorant poor in Ireland, of whatever religious opinions or denominations they may be, I would not sanction the grant—but if I can't command the best system of education imaginable, am I to withhold it altogether? In justice to the Board of Commissioners of Irish Education, I beg to call the attention of the House to two extracts from their last year's report. The first is from the Annual Report of the Commissioners of Education in Ireland, for the year ending March, 1834, and is as follows:—

"It having been imputed to us that we intended to substitute these extracts from the Scriptures for the Sacred Volume itself, we deemed it necessary to guard against such misrepresentation by annexing to the first number of them the following preface.

"These selections are offered, not as a substitute for the Sacred Volume itself, but as an introduction to it, in the hope of their leading to a more general and more profitable perusal of the Word of God.

"The passages introduced have been chosen, not as being of more importance than the rest of the Scriptures, but merely as appearing to be more level to the understandings of children and youth at school, and also best fitted to be read under the direction of teachers not necessarily qualified, and certainly not recognized, as teachers of religion; no passage has either been introduced or omitted under the influence of any particular view of Christianity, doctrinal or practical."

After a full statement of their rules, the Commissioners conclude their Report thus, which is the second Extract:—

"We have thus shown, to all who choose to read our rules with the view of understanding (not perverting them), that, while we desire to bring Christian children of all denominations together, so that they receive instruction in common in those points of education which do not clash with any particular religious opinions, we take care that sufficient time be set apart for separate religious instruction, and that the Ministers of God's word, of all Christian creeds, and those appointed by them, shall have the fullest opportunity of reading and expounding it, and of seeing that the children of their respective denominations do read and understand it, not only weekly, but daily, if they think proper.

"The success which has attended our labours, which appears by the progress we have made, abundantly proves that the system of education committed to our charge has been gratefully received and approved by the public in general. We trust it will continue to spread and prosper. It shall be, as it ever has been, our constant object so to administer it as to make it acceptable and beneficial to the whole of his Majesty's subjects; to train up and unite, through it, the youth of the country together, whatever their religious differences may be, in feelings and habits of attachment and friendship towards each other; and thus to render it the means of promoting charity and good-will among all classes of the people."

One word more, Sir, on the prayer of the petition, "which prays your hon. House to discontinue the forementioned grants, and to discourage the rising spirit of Popery which threatens to destroy all the best institutions of the realm in Church and State." I, for one, Sir, deny that, more than proportionally with the increased population of the United Kingdom, Popery is on the increase. But even were it so, would it be in accordance with a Christian spirit, with the profession of religious toleration, which we avow, to take away the means of their education from the priests of a religion whose duty is to instruct so many millions of our fellow-subjects (though differing in doctrine from the petitioners)—or could we justify to ourselves the withdrawal of those funds destined by the State for purposes of general education in Ireland, whatever may be the creed of the instructed, without a fuller and longer trial of the plan? I trust, Sir, that I have not abused the indulgence of the House, so kindly extended to me, while I have briefly stated, with all deference, my difference of opinion from the reverend Synod; and I have now only to express a hope that advantage will not be taken (though I acknowledge the occasion is an inviting one) by hon. Members on either side, to enter into a desultory discussion of those important matters, which must both, in a short time, form legitimate subjects of debate in the House. Nothing would have induced me now to depart from the salutary rule of not debating a subject on presentation of a petition, but the very great and sincere respect which I feel is due to the collected opinion of so pious and reverend a body as the Synod, to whose petition I have ventured to call the attention of the House. I beg leave to bring up the petition.

Petition laid on the Table.

Holding of Parliaments in Ireland.] Mr. *Bish* rose to move an Address to his Majesty, praying him to hold his Court and Parliament occasionally in that part of the United Kingdom called Ireland. He observed, that the experience of every day strengthened his conviction of the necessity of doing something for Ireland. He had looked anxiously at the notices of Motions regarding that part of the Empire, but found nothing proposed of a satisfactory nature, or which seemed calculated to render the present Resolution unnecessary. The hon. and learned Member for Dublin had a Motion on the paper relative to a poor-rate for Ireland, but he doubted whether such a plan, if carried into effect, would materially benefit the people of that country. He had not seen anything to alter the opinion which he formerly expressed, that the present Resolution was calculated to promote the interests of Ireland in no small degree. Measures for the relief of Ireland were imperatively required by the condition of that country. Considering the state of feeling of the population, it was only surprising they had remained tranquil so long. The hon. and learned Member for Dublin had been called—and perhaps he was—a considerable agitator, yet the hon. and learned Member was the man who kept Ireland quiet. Had it not been for him some dreadful proceedings would have occurred there long since. It had been objected that great inconvenience would be occasioned by the absence of the necessary records. Duplicates, however, could be made and kept in Dublin, without entailing any great expense on the public. The hon. Member concluded by moving the Address to the Crown.

Dr. Baldwin seconded the Motion.

Mr. *Cresset Pelham* wished that the hon. Member would so far alter the terms of his Motion as to leave to his Majesty the discretion to hold the Parliament either in Scotland or Ireland, or generally in distant parts of the Empire.

Mr. *Ruthven* supported the Motion, because he thought that a domestic Legislature in Ireland would be of great benefit to the country.

Mr. *Grattan* thought, that as the present Government were disposed to do justice to Ireland, the Motion before the House should be postponed until the nature of their measures were known.

Dr. *Baldwin* had seconded the Motion, because he believed that the hon. Mover was actuated by kind feeling towards Ireland. He did not, however, think it was one that would meet with general concurrence in this country.

An hon. Member moved that the House be counted.

The House was counted out.

HOUSE OF LORDS,

Friday, June 5, 1835.

Minutes.] Petitions presented. By Earl Brownlow, from the Isle of Axholme, for Relief to the Agriculturists.—By Lord Brougham, from Greenock, St. Mary, Lambeth, and other Places, for the Abolition of the Stamp Duties on Newspapers.—By Lord Brougham, the Duke of Richmond, and the Earl of Kinnoul, from several Places in Scotland, for a Grant to the Scotch Church.—By Lord Brougham and the Earl of Gosford, from Places in Scotland,—against such a Grant.—By Lord Brougham, from Charles Bucke, complaining of the Expense of Transferring Landed Property.—By the Earl of Gosford, from Renfrew, for an Alteration of the Law of Entail (Scotland).

HOUSE OF COMMONS,

Friday, *June* 5, 1835.

MINUTES.] Bill. Read a first time:—To Amend the Law relative to Savings' Banks (Scotland).

SUPPLY OF WATER TO THE METROPOLIS.] Sir Francis Burdett moved the second reading of the Metropolitan Water Company Bill.

Mr. *Warburton* said, it was not his intention to oppose the second reading of the Bill, as the object proposed—namely, that of supplying good and wholesome water to the metropolis — was deserving the encouragement of the Legislature, but if it should come out in the Committee that the Bill proposed to give any exclusive power to this Company, he would certainly oppose it. There was nothing of novelty in the principle, that of sinking wells to obtain a supply of water. It was a principle that, for a long period, had been acted upon by various individuals, and from such a source a large quantity of good water was at this moment supplied. He therefore repeated that this was not a new discovery. The large breweries and distilleries, and a great number of manufactories, got their water from such a source, from which this company only proposed to supply it on a larger scale. They had no right, therefore, to exclusive privileges, and he should oppose their obtaining them.

Sir *Samuel Whalley* said, that as all plans hitherto for obtaining a supply of pure water for the metropolis had failed, this proposition was worthy of the attention of the Legislature: as it had been ascertained that there was an abundant supply of water underneath the metropolis, this Company only asked for the power of getting it up, and the privilege of selling it at such a rate, as a commission composed of the metropolitan Members should consider reasonable. He thought there was nothing unreasonable in such an application, and at all events the Bill should be allowed to go into Committee.

Mr. *Shaw Lefevre* observed, that sufficient grounds had not been adduced to call upon Parliament to pass a Bill of this nature. If there was, as they asserted, an abundant supply of water under the metropolis, let them try the experiment without coming to Parliament. It was quite certain, he believed, that such an experiment could not be tried without great danger to the supplies already in the possession of different manufactories, public institutions, breweries, and private individuals. He therefore moved that the Bill be read a second time that day six months.

Mr. *Buckingham* supported the Bill. It was admitted on all hands that nothing was more wanted than a supply of pure water for the metropolis, and all the evidence went to show that such a supply was to be found beneath its surface.

Mr. *Henry Bulwer* said, the question was, whether the Company did not oppose a public advantage adequate to the privilege they sought. He denied that they asked for a monopoly in the bad sense of the word. A monopoly in perpetuity he was ready to admit was an obstacle to industry and exertion, but such a privilege as they sought—a temporary and limited monopoly—would, on the contrary, be a stimulus to industry and enterprise. He contended that the present case was precisely similar to that of a patent. It was said, that this was no new invention: had any such experiment, he asked, ever been made, or attempted before? Unless they were to give this Company an exclusive privilege, the other companies, having already the pipes sunk, &c., would take advantage of the success of the experiment, and drive these parties out of the market. All they asked for was a temporary monopoly in a good article, in order to put down a permanent monopoly in a bad one.

Mr. *Charles Barclay* said, that this Bill was for an experiment, and an experiment which would endanger, if not destroy, the property of others. He denied there existed a sufficient supply, at present, of pure spring water for the purposes it was wanted for. The manufactories and breweries which derived their supply from wells, had not, at this moment, a sufficient supply. He was enabled to state these facts from the experience of two or three wells in breweries and manufactories. One of them was his own well in his brewery. It was a well twenty feet in diameter, and sunk to a sufficient distance to catch the land springs. If this experiment should be tried, all the breweries and the manufactories, (of which there were many hundreds deriving their supply from this source) would lose their supply. In his own well the water, twenty years back, rose within five feet of the surface. It now only rose within twenty-five feet of the surface. That was a proof that there was anything but an abundant supply of water underneath the metropolis. The hon. Member for Bridport said he would not support the Bill, if it should propose to confer an exclusive monopoly on this Company. He was, however, sure that the parties would not ask for the Bill, if it did not contain such a privilege. Let them stand on equal grounds with the rest of the public, but why should they get an exclusive monopoly? The House should not give these parties the power of making such an experiment, and of doing a vast deal of injury, without perhaps doing any good. He believed that the result of such an experiment would be the ruin of many individuals.

Mr. *Hume* said, that he had had sufficient experience of water monopolies, his rates having been doubled and trebled in the course of a few years, to render him adverse to the formation of any new monopoly of the kind: he looked, however, upon the present proposition in a different light. He understood that the proposition of these parties was, that it having been already ascertained that there existed underneath the metropolis an abundant supply of water, they proposed to obtain it for the use of the metropolis; but as great risk would attend the experiment in the first instance, they asked for exclusive privileges for a certain period, in order to secure them against loss, and to insure them a reasonable profit on their capital so sunk. He considered that an extremely fair proposition. At all events, they should allow the Bill to go into Committee. If when there, the parties should show that the public benefit to accrue from their undertaking would adequately compensate for the privilege they sought, the Bill should have his support, but upon no other ground.

Mr. *Fowell Buxton* said, that it was because he objected to the monopolies and exactions of the water companies he should oppose this Bill. The effect of such an experiment, if it were tried, would be to dry up the wells of all the manufactories in London. Another objection to the Bill was, that even supposing this company should procure the water in sufficient abundance, it would come out of their cistern deteriorated, and unfit for the purposes to which it was at present applied. The public pumps, also, would necessarily suffer from such an experiment. The allegation on which the Bill went was, that there was an inexhaustible supply of water underneath the metropolis. If it were so, there could be no objection to an experiment of this nature, but the fact was the reverse. More water there would not be raised than there was at this moment by private wells. In his brewery every thing had been done for the purpose of raising water that this Company could do. They had penetrated down to the chalk. Now, as to the supply derived from his wells, he had sent for information to the person who managed that part of his business for him, and the statement in reply was, that the supply of water from the wells had at times been so scanty, that owing to that cause they had since January last been obliged totally to stop the brewery on six several occasions. That fact showed that there could only be a small increase made to the present supply by means of wells. He would state another fact in corroboration of that opinion. Two wells had been some time since sunk by two different parties—one in Southwark, and the other on the London side of the river. The latter having been sunk deeper, there was at once an abundant supply of water, while the well sunk on the Southwark side was quite dry. It was sunk deeper, and then the London well was dried up. This alternate drying up went on for some time, and at length the parties were obliged to come to an arrangement. He would mention another fact—on Sundays the wells in the breweries were of course not used, and on the Mondays there was a most abundant supply of water, which went on gradually diminishing throughout the week. It had been fully ascertained that so far from there being an inexhaustible supply of water underneath the metropolis, the supply from the wells had been diminishing at the rate of a foot a-year daring the last twenty years. That fact proved that the supply had been pressed to its fullest extent.

Colonel *Evans*, with every respect for the hon. Member who had just spoken, must say that the facts he had mentioned must be taken as an *ex-parte* statement. If they went into Committee, there could be a full and fair inquiry into all the circumstances of the case. He was therefore for reading the Bill a second time. The object which it proposed would, if accomplished, produce great good to the public.

Lord *Granville Somerset* said, that the real object of this Bill was to found a new monopoly. There was no clause in it proposing compensation to those parties who would be deprived of their water should it be carried into effect. For his part, he did not believe that this was a *bona fide* company; and no Parliamentary grounds had been laid for such a measure.

Dr. *Lushington* agreed with the noble Lord that no Parliamentary grounds had been shown for making this experiment on a vast quantity of property, and the security for property in large and extensive districts in this metropolis. This experiment went to endanger property to an extent for which it would be quite impossible for this Company, even were they so inclined, to return any compensation. Let those parties exercise the power which they had at present of sinking wells, but let them not get a monopoly for that purpose.

Mr. *Wilks* supported the second reading of the Bill. The necessity for good water was notorious. The most eminent medical authorities had attributed the mortality that frequently prevailed in London to the bad water supplied to its inhabitants. The health of the metropolis therefore called for some such measure. He denied that this Company sought for any monopoly. They only asked for fair competition. The large brewers and the manufactories derived benefit from a supply of water from the wells, and it was they that contended for a monopoly of it.

Mr. *Mark Philips* said, that such a measure would, if carried, distract the water from the private wells, and therefore the effect of it would be to rob one party to supply another. Besides, it should be recollected that it was private property that would suffer from the invasion. Such an experiment would be productive of great loss to several manufactories and valuable institutions throughout the metropolis.

Mr. *Harvey* said, that Parliament had already expended 5,000*l.* in seeking to provide a supply of good water to the metropolis, and had failed. He did not see why, then, they should prevent a set of philanthropists from trying the experiment. An objection had been started that it would dry up the public pumps. That might be easily removed by making the company supply the poor with water gratuitously. He thought, at all events, that the Bill should be allowed to go into Committee.

Mr. *Vernon Smith* said, the question was, whether they would let those parties try this experiment at the public expense, and interfere, as it was shown they would, with the private property of others. He decidedly objected to such a measure. It only went to create a fresh monopoly.

Sir *Francis Burdett*, in reply, said that the very fact of the different statements that were made on the subject showed the propriety of sending the Bill into Committee, where the whole case could be properly investigated. Some hon. Gentlemen felt, no doubt, strongly interested in opposing the Bill, as they thought it would injure their property. It was, however, his conviction, from all that he heard from the best authorities on the subject, that it would be made out to the satisfaction of the Committee, that there existed an abundant supply of water for all purposes underneath the metropolis. There was no monopoly sought by this measure. In truth, the effect of it would be to promote competition. It had been proved by scientific men on philosophical principles that the proposed plan was feasible, and must be successful. If the contrary should be proved before the Committee, he would willingly give up the measure. It was a disgrace to the country that the poor of this metropolis were not supplied with an abundance of good water. As to the exclusive power sought by the company, they would be satisfied with one for a period of 14 years. The measure would not do harm to anybody, and, after all, they only asked to do that which every individual had the power of doing at common law. He understood that some of the existing water companies were determined to do the same thing themselves. He submitted that sufficient reasons had been given for sending the Bill to a Committee. As to the Commissioners, a great mistake existed on that point. A leading paper of that day, *The Times*, seemed to suppose that there would be a set of paid Commissioners, and that the company, no matter how great a failure it should turn out to be, would be kept up as long as the Commissioners were in the receipt of their salaries. Now, what did the Bill propose? Why, that a set of persons whose interests would be opposed to those of the company, as far as gain was concerned, should be appointed to control them, that the metropolitan Members should form such a commission, not a paid commission, but a commission composed of impartial persons, who, consulting the interests of their constituents, and not those of the company, should compel the company to supply good water to the metropolis at the lowest possible rate.

Mr. *Warburton* said, that though he had said he would vote for the second reading of the Bill, yet after what he had heard he had changed his mind, and would vote against it, as the parties declared that it would be worth nothing without a monopoly.

The House divided—Ayes, 60; Noes, 134; Majority, 74.

Bill thrown out.

CORPORATION REFORM.] *Lord John Russell:* I now rise to perform the very important duty of asking, on behalf of his Majesty's Government, leave of the House to bring in a Bill, to provide for the regulation of Municipal Corporations in England and Wales. It was not till very lately that I expected such a task would have fallen to my lot. In the course of last autumn, it was my hope and expectation, that the consideration of this important subject would have been in the hands of an individual, who I think will be admitted, on all sides of the House, to be eminently qualified for the task—of one who, in introducing it to the notice of Parliament, would have brought to it a degree of mature reflection, on account of legal knowledge and an intimate acquaintance with the constitution of the country, that would have recommended the measure to the country with a force and an effect which cannot belong to my arguments. I would say more, Mr. Speaker, were it not that I am now alluding to yourself, and that, therefore, it would not be proper for me to go farther. But since, by circumstances of comparatively recent occurrence, the duty of bringing forward the measure belongs to the station I now hold, I shall only beg that the House will give me that indulgence of which I stand so greatly in need, and make allowance for that inadequacy and those deficiencies which I am sure it will discover. I ask for that indulgence, because the question is one of the highest importance—one of considerable intricacy and detail—one which relates to ancient practices and privileges—and one which, by its right solution, must have a considerable effect on the body I have the honour to address. The number of persons under the government of Municipal Corporations to be touched by this Bill, amounts to about two millions: I state it in round numbers, that the persons who will come within the provisions of the Measure I propose to introduce, are not less in number than two millions. It cannot be said that this subject has been undertaken without consideration adequate to its extent and importance. It might have been allowable, and I think it would have been allowable, on the first meeting of a Reformed Parliament, to have taken a theoretical view of the subject—to have laid down certain rules and regulations which in the opinion of the House of Commons ought to govern Municipal Corporations and to make those rules and regulations, which, in the opinion of the House of Commons, ought to govern Municipal Corporations, and to make those rules and regulations the standards by which those Corporations should thenceforward be governed but by the advice of the Committee of which you, Mr. Speaker, were the chairman, another course was adopted. A Commission was appointed by the Crown to inquire into the state of Municipal Corporations, and after a year and a half of laborious and minute investigation, the Commissioners presented a Report to his Majesty, in which they stated that they had inquired into the condition of two hundred Corporations, and, after detailing the general nature of these Corporations they made the following remarks:—"In conclusion, we report to your Majesty, that there prevails amongst the inhabitants of a great majority of the incorporated towns, a general, and in our opinion a just dissatisfaction with their Municipal Institutions; a distrust of the self-elected Municipal Councils, whose powers are subject to no popular control, and whose acts and proceedings being secret, are unchecked by the influence of public opinion; a distrust of the Municipal Magistracy, tainting with suspicion the local administration of justice, and often accompanied with contempt of the persons by whom the law is administered; a discontent under the burdens of local taxation, while revenues that ought to be applied for the public advantage, are diverted from their legitimate use, andare sometimes wastefully bestowed for the benefit of individuals, sometimes squandered for purposes injurious to the character and morals of the people. We therefore feel it to be our duty to represent to your Majesty, that the existing Municipal Corporations of England and Wales neither possess nor deserve the confidence or respect of your Majesty's subjects, and that a thorough reform must be effected before they can become, what we humbly submit to your Majesty they ought to be, useful and efficient instruments of local government."

This Report was agreed to by far the greater number of Commissioners. One of them, a man of considerable talents and attainments, wrote and printed an elaborate protest against parts of it; and another, Mr. Hogg, I think, signified his dissent from the whole, but with these exceptions, it was the Report of the entire body. They were men eminently qualified for the task: they were selected by the Crown for the purpose, and after their appointment they bestowed the utmost pains and diligence upon it. I might undertake the duty of proving that the abuses which they declare to exist, are to be ascertained from the separate reports contained in the various volumes of Appendix presented to his Majesty, and subsequently laid upon the Table of this House; but as it is my purpose to propose a practical Measure, and a practical Measure of the highest importance, and as going into separate details of all the different abuses would render my speech much longer than the House, I apprehend, would like to listen to from me, it will be better to touch on only two or three heads, in order to show that the present bodies are unfit for the purpose for which they were appointed, and that they are not good depositaries of Local Government, and to leave the rest to the statements of the Commissioners which may be discussed on future occasions, during the various stages of the Bill, and either agreed to or refused as hon. Members may think the truth requires. There are two or three points, which appear to me so striking as facts, that I cannot altogether refrain from bringing them before the House. A great number of these Corporations govern populous towns, but there are others, where the Municipal body is so small that they are, in fact, not Corporations in the ordinary sense of the word. I will speak, in the first instance, of places which are considerable Boroughs, where a Municipal Council is required, but where it does not properly represent the property, the intelligence, or the population of the town.—One of these instances is contained in a Report which I believe is not yet before the House. I allude to Bedford, where the Corporate body is only one-seventeenth of the population, and one-fourth of the property of the place. In Oxford there are 1,400 electors, but a great many of these are not rated inhabitants; and generally there has been so much treating and so many corrupt practises at elections that seldom more than 500 can be said to be free from them. In the city the noble Lord opposite represents, Norwich, there are 2,221 resident freemen, but of these 1,123 are not rated at all; and out of the 1,123, there are 315 paupers. As to the amount of property rated in Norwich, it is stated that out of 25,541*l.* thus raised no less than 18,224*l.* is upon the property of persons who do not in any way belong to the Corporation. I might produce many other facts of a similar kind. At Lincoln three-fourths of the Corporate body are not rated, and nearly four-fifths of the population are excluded from it.—At Ipswich there are 2,000 rate-payers, but only 187 of them belong to the Corporation. I find that of 1,685 persons who are rated by a local act, which taxes all persons whose rent exceeds 4*l.* a-year, only 111 are freemen, although the number of freemen who voted in 1831 was 795. Thus fourteen-fifteenths are excluded from the Corporation. At Cambridge, the population is about 20,000, and there are 1,434 ten-pound houses; but there are only 118 freemen. The property produces in rates 25,499*l.* of which not more than 2,111*l.* is paid by freemen. These are facts that belong to one of the most important heads of the inquiry. It is, or should be, the objects of these Corporations, and one of the first objects, to represent the town over which they are placed—to represent its property, to share in its general feelings, and to take care of its interests, as having that due connexion which the governing body ought to maintain with those who are liable to the burdens. There are two modes of excluding this wholesome sympathy between the governors and the governed,—the one the more obvious and common mode where the Corporation is an entirely select body, where there is no appearance of a popular election, and where the Government is carried on in total defiance of, and in entire separation from, the general body of the inhabitants. This may be admitted to be a great and glaring abuse; but great and glaring as that abuse is, it is not, in my mind, so gross and so vicious an abuse as that which connects a few persons carrying on the Government for their own benefit with a portion of the lower class of the people belonging to the town, whose votes they buy, and whose habits they demoralize, and which, while it makes them the slaves and tools of political influence, at the same time disseminates among men under the semblance of free election practices the most corrupt and debasing. And yet I should not be surprised if we were to hear—indeed we have heard it already—that in some of these towns, in the city of Norwich for example, although the great majority of persons paying rates is excluded; although the great bulk of property is excluded; and although the major part of the minor rate-payers is excluded; that because some of these are members, and the constituency is numerous, the constitution of the borough is popular and democratic, and that for the interests of the people it ought to be continued. I protest against all such arguments, and against all such principles. What I wish to see is, certainly, a great degree of popular control, but I wish to see that popular control equally, regularly, and beneficially exercised. I wish to see persons who may be called from the lower ranks of the town to assist in elections, supported by the esteem and confidence of their fellow citizens, and not brought there by means of bribery, and sometimes where candidates are pitted against each other, handed up to the poll in a state of intoxication.

The consequences of these vicious modes, whether by self-elected bodies totally separated from the town, or by those where there is a semblance of popular franchise, but where the burgesses are, in fact, divided from the householders and inhabitants of the borough, have been the greatest abuses of various kinds detailed and explained in the Report of the Commissioners. I have already said, that I will not trouble the House by going through the documents; but I wish hon. Gentlemen to refer to such places as Coventry, Northampton, Leicester, and others, where they will find that the grossest and most notorious abuses have prevailed. In the distribution of charitable funds, they will see that two-thirds, three-fourths, and sometimes a larger proportion, have been delivered to persons who belong to the Blue party, or to any other colour that is the favourite symbol of the local government. By tracing the history as it is minutely given in some of those reports of charitable estates, it will be found that the property, instead of being employed for the general benefit of the town, has been consumed for the partial benefit of a few individuals, and not unfrequently in the feastings and entertainments in which the mayor and other corporators have been in the habit of indulging. In some no very large boroughs, these expenses have amounted to 500*l.* or 600*l.* a-year; and the enjoyment has been confined to the freemen of only one side of the question, as some inducement to stand by that side, and not to desert the Corporation in any political emergency. These facts are so fully established in the Reports of the Commissioners, that I do not propose to enter into them; yet I think I may venture to state one or two instances, which are particularly striking proofs of the way in which, in some of the smaller places, corporate funds have fallen into the hands of persons who have assumed the duties of corporators, but who have totally neglected them. One of these is Aldborough, where the corporators who are capital burgesses have been continually changed. It appears that they used to ask a regular sum, and that the price of "an honest burgess" (such are the terms of the charter) was 35*l.*; and one of the most "respectable, honest, and discreet burgesses," (still following the terms of the charter,) asked for, and was rewarded with, influence to obtain a Lord-Chancellor's living for a clergyman worth 100*l.* a-year. Whenever a transfer was made, that is, whenever the patron of the borough was changed, all considered themselves bound in honour to resign. The nominal heads of the borough are the collector of the customs and a resident surgeon; and the members of the council are the Marquess of Hertford, two members of his family, his solicitor, the superintendent of his estates there, his steward, the right hon. John Wilson Croker, a captain in the army or navy, and the chamberlain of the Corporation. The details respecting Orford are nearly similar. The Marquess of

Hertford is one of the honest men of Orford, and the others consist of four or five members of his family, his present steward, his former steward, the superintendent of his estates, and the right hon. John Wilson Croker, while the collector of the customs at Aldborough, and an inhabitant there, is also an honest man of Orford, and the list of corporators is terminated with the town-clerk. To some future antiquary, who should not carry his researches completely into the history of the present age, it might seem, that to find a noble Lord and the right hon. John Wilson Croker devoting their talents and attention to the business of two such boroughs, was a proof of most extraordinary and exemplary kindness. Their becoming "honest and discreet burgesses" of Aldborough and Orford would seem to show how generously and disinterestedly they devoted themselves to the welfare of those towns, and endeavoured to promote interests they were so well able to serve.

I mention these cases, because the main facts apply to a hundred boroughs that I could name, which formerly returned Members to Parliament. But when the future antiquary shall go a little farther in his inquiries, and discover that both those boroughs were subsequently introduced into schedule A of the Reform Act, it would account for the singular regard paid by the noble Marquess and the right hon. Gentleman to the welfare of Aldborough and Orford. It has been proved by all the investigations of the Commissioners, that in large towns and in small, the practice has been for Municipal Corporations not to employ the powers with which they are invested for the purpose for which they were intended; they employed them in no manner for the good government and well-being of the boroughs—not that they might be "well and quietly governed," to use the words of some of the charters, but for the sole object of establishing an influence for the election of Members of this House. I now proceed to the method I propose to adopt, not for continuing these sinister and indirect practices, but for establishing really good government in corporate towns—that the people may exercise a vigilant control over the offices they have appointed, and that the funds may be administered honestly and fairly, and not diverted to favour the interests of individuals or to promote parliamentary speculations.

We intend to include 183 boroughs in the Bill I shall conclude by moving for leave to bring in, containing, as I have already stated, a population of about two millions. The number of inhabitants may be rather less at present, owing to the defectiveness of some of the boundaries—a point upon which I shall afterwards touch—but I may fairly state that two millions of persons will be affected by the Bill—a word I must be excused for using, as the measure is not yet before the House. By establishing not an extinction, but a reform of these Corporations, we do not propose that they should be deprived of their charters, but, in the first enacting clause, we declare that all powers in those charters, and all practices under them, inconsistent with the provisions of the Bill, are null and void, and shall totally cease and have no operation.—[Sir *Robert Peel:* Will this apply to the whole number?]—To the whole of the 183 boroughs; but there are 99 which have been visited by the Commissioners which we do not intend to insert in the Bill. There are some other places which have not been visited, or which have given no account of themselves, which, I believe, are not included in the 99. A few of these Corporations do not serve any Municipal purpose, others are Corporations only for particular purposes, with which it has not been thought necessary to interfere; they will remain as at present, as far as the provisions of this Bill are concerned. With regard to the 183 boroughs, we propose that there should be one uniform government instituted applicable to all; one uniform franchise for the purpose of election, and a like description of officers in each, with the exception of some of the larger places, in which there will be a recorder, or some other such magistrate; but, generally speaking, the form of government will in all be the same.

I come now to the franchise. It must have occurred to every one who wishes that there should be a uniform franchise in Corporations, that the present parliamentary franchise of ten-pound householders, or, as they are familiarly called, ten-pounders, might, perhaps, be taken as the constituency in Corporations; but, upon considering what would be the best course, several reasons presented themselves which seemed conclusive against adopting that franchise. In the first place, I think it would be exposing that franchise to danger. I look upon it as most valuable, and it has worked as beneficially as the authors of the Reform Bill anticipated. It has produced a class of constituency which, from property and intelligence, is fit to be intrusted with the responsible duty of electing Members of Parliament; and I think if we were to say that no others but those who possess that franchise shall have a vote with respect to the Corporation, we should be raising a feeling of enmity and jealousy against these persons, on the ground that they monopolised all rights and powers to the exclusion of others that were as well entitled as themselves. In the next place, I think we should consider those whom I may call the permanent rate-payers, the inhabitants of the town, as perfectly fit and qualified to choose persons to represent them in its Common Council and government.

It may often happen, and I think it does often happen, that the lower class of rate-payers, however well known and long established in the town, do not take such a just interest in the election of Members of Parliament as not to be open to the various modes of seduction, and to those corrupt arts which have been ordinarily resorted to to procure votes. I do not think that the same thing can be said when you place before them the propriety of choosing their own neighbours, perhaps their next-door neighbours, as persons fit to have a voice in the Government of their own town. But there is another reason, as it seems to me more conclusive than all, which is, that these rate-payers do contribute, and directly contribute, to the expenses of the town. By this Bill they will be obliged to pay the borough-rate which may be required, and it is absolutely essential that they should not be exempt from it. According to the established principle—to the known and recognised principle of the constitution—it is right and proper that those who contribute their money should have a voice in the election of persons by whom the money is expended.

But while we think that it is but proper to have the permanent rate-payers of the town as the persons to elect the council which is to have the Government of the town, yet, at the same time, it seems to be as necessary to take some precaution that they are neither persons who are occasionally suffering under that pressure of distress which obliges them to receive parochial relief, nor persons unable, regularly, and for a length of time, to pay their rates. We think they ought to be the permanently settled and fixed inhabitants of the town alone, and those who regularly contribute to its rates; and we propose, as a test of this, that they should be persons who shall have been rated to the relief of the poor for three years, and who shall have regularly paid their rates for that term. There will be provisions introduced for taking care that the having received relief, or the not having paid rates for a short time, shall not exclude persons who have previously acquired the right of voting for a longer period than their inability to pay up their rates. We propose, then, that the right of voting should be in the occupiers of houses, warehouses, and shops, paying rates, using similar words to those adopted in the Reform Bill. We propose, likewise, that they should reside within seven miles of the place.

The next question is, as to whom these persons are to elect as the Government of the town. We propose that there should be one body only, consisting of the Mayor and Common Council, to consist of various numbers; not in an arithmetical proportion, but in such a manner as is best suited to the population of each particular case, varying from fifteen in the smallest of such places—the inhabitants of which are about 2,000—to 90 in the largest towns. The largest of these towns (of which there are only about twenty in number, and each of which have more than 25,000 inhabitants) we propose should be divided into wards, and a certain number of Common Councilmen (to be named according to a schedule to be annexed to the Bill) to be chosen in each ward; but with regard to the rest of the towns, it is proposed that the whole of the common Council shall be elected together.

Now, Sir, I will next state what is to be done with respect to those who at present have rights in these Corporations. We propose that all their pecuniary rights shall be entirely preserved. Exemption from toll, or rights of common, or any personal rights of that kind, shall be preserved, to all who now enjoy them, during their lives; but we propose that in future no person shall be admitted into these Corporations, nor be burgesses of them, except, according to the manner which I have just mentioned, by being permanent inhabitants, paying rates within the borough.

I know not what arguments may be used with respect to the various and ancient rights (and most various and widely different in their nature they are) which have hitherto existed in these ancient boroughs; but I do not believe that any sufficient case will be made out when we have established this franchise—large and extensive as we propose to make it—for admitting persons in future to become members of Corporations on any other grounds than those I have already stated. The first of those ancient rights is the right of birth. Undoubtedly this is one of those ancient rights which belonged, and most properly belonged, to Corporations. It was established when the inhabitants of these towns were free, and justly proud of their freedom, and when all the inhabitants of the country round about them were either villains or slaves. At that period of our history, a man had justly a right, if he left his town, of proving his freedom by birth—that he was a person born within the precincts of a town, and was neither the villain nor vassal of any neighbouring Lord. In the same way the rights acquired by serving an apprenticeship to certain trades appertained to these towns; and very properly so, when those trades that were rising and making their way against the barbarism that surrounded them, wanted exclusive advantages as an encouragement. But in these days, when we are all equal and free subjects, and when these trades are no longer matters of great craft and mystery, as they were called, and when, indeed, many of our modern trades are excluded from enjoying this right, there is no reason why distinctions of this kind should any longer be kept up, or why we should not abolish these kinds of right altogether.

We propose to abolish, likewise, all exclusive rights of trading, with a due regard, as I have already said, to the pecuniary rights of persons now living. For instance, I may mention the case of two persons in the city of Exeter; one of whom not belonging to the Corporation pays 100*l.* every year for certain tolls to which he is liable, while the other who lives next to him has no toll of that kind to pay, because he belongs to the Corporation. As far as the pecuniary advantage of the latter person is concerned, he will continue to enjoy it during his life; but we propose that nothing in future shall exist in the nature of these exclusive rights and exemptions, which are undoubtly inconsistent with the good government of these towns.

Now with regard to the election of the Common Council; we propose that members of the council shall be elected for three years, but that one-third of them shall go out every year. For my own part, I must confess my belief is, that the inhabitants of the towns having once elected persons in whom they have confidence, whether they elect them for three years or one year, will generally elect the same persons. They will naturally elect those persons for whom they have a regard, and to whom they believe the disposal and management of their property may be safely intrusted, and whom they will not very likely think of changing. But providing that there shall be an annual election, of only one-third of the council, we shall secure at least two-thirds of the council, who will have had some experience of the management of the affairs of the town. With regard to the mode of elections, that in itself is not very important, but it is proposed to be effected by each voter making out a list of all those whom he wishes to elect and signing his name at the bottom. Although it is very easy to give a vote *viva voce* for one or two persons, yet it is evident that it would be very inconvenient to vote for fifteen, or thirty, or forty persons, unless the franchise were taken in the form proposed. We propose that the mayor shall be annually elected by the council, and that he shall be, during the time of his mayoralty, a justice of the peace for the borough and likewise for the county. We do not propose that there shall be any qualification either for the office of mayor or of Common Councilman. There is, I think but little to be gained by requiring a qualification. It very often excites ill-will and ill-blood, and in the old charters there is but little trace of that kind of qualification which it has been the fashion to introduce in more modern times. Then, Sir, with regard to the officers which the council are to appoint, we propose that, immediately on the council being elected, which will be on some certain day in October, they shall have the power of appointing a town-clerk and treasurer. Certainly we do not mean to oblige them; it would be totally inconsistent with the spirit of this measure were we to attempt to do so—to preserve the present town-clerks in the offices which they now hold. It would, I think, be utterly impossible to do so with any kind of consistency; because it appears to me quite obvious that, on a new body of men coming into power, and laying down rules of their own for their future Government, it is necessary that they should have the privilege of appointing persons in whom they have confidence, to assist in carrying out those rules, and that they should not be required to allow persons to remain in office who might thwart their purposes, and hold them at defiance. At the same time, wherever any case may occur, in which compensation can be fairly demanded, means are provided by which that compensation can be fixed and ascertained.

The most important part, no doubt of this Municipal Corporation Bill is that which relates to the management of the funds; the management of which certainly does not, at the present moment, show any great wisdom or economy on the part of these Corporations; for while the gross income of the Corporations amounts to 367,000*l*., the expenditure amounts to 377,000*l*.; besides which there is a debt of 2,000,000*l*. owing by these bodies. When we come to look into particular cases, we shall find that some Corporations have been incurring debts year by year up to within two years ago, while they were actually dividing among themselves the proceeds of the loans they raised. It is proposed, therefore, that the council shall have the power of appointing a committee in order to manage their financial affairs, and that their accounts shall be regularly audited and brought before the public, and that there shall no longer be secret accounts. By adopting this system of publicity, even if no other guarantee be taken, it appears to me that we shall obtain a great security for the better management of corporate funds in future. There is another part of the duty of these Corporations which has been no less scandalously mismanaged, and to which I alluded in the earlier part of my address to the House, namely, the management of the charity estates, of which these Corporations have at different times been made trustees.

We propose that the Common Councils shall become the trustees of these charity funds, with power to appoint, if they think proper, a committee for their management; but at the same time requiring them imperatively to appoint a separate secretary, and treasurer, and to provide an audit of these funds in a different manner from the audit generally of the accounts of the town. It is likewise provided that the number of persons to be chosen for the management of these charity-estates shall not be less than fifteen, and that they shall be chosen, not from the council, but from among the general body of the burgesses of the towns; for it may often happen that persons may not like to have any thing to do with the Municipal Government of the town, who, from their habits of business, and their connexion with matters of this kind, may be regarded as very fit and proper persons to have the management of these charitable estates. Now, Sir, having mentioned the persons in whom the government of these Corporations is to be vested, who are to be the electors of these governing bodies, and what is to take place both with respect to the general funds of the Corporations, and with respect to the charity-estates of which such Corporations have been appointed by the founders, or by acts of Parliament, the trustees, I come next to that very important part of the Bill, with regard to the administration of justice and of police within these towns.

We propose that the whole work and business of watching the town shall be placed completely under the control of the council, and that all powers given by the provisions of any local act, so far as they would militate against this power, shall not be continued to those now possessing them. This seems to me absolutely necessary in establishing a Municipal Government,—indeed the only notion I can form of a Municipal Government is, that the keeping of the peace, or to use the words of olden times, "the quieting of the town," should be immediately under the control of the persons who are deemed proper to have the government of the town: therefore any power inconsistent with the power of the general council, as far as the watching of the town is concerned, will be abolished. I will not enter into any provision at present as to paving and lighting. These powers are often exercised under local acts by Commissioners. It may be desirable hereafter that these powers should be consolidated; and I think this Bill will give the means of effecting that object; but we do not propose to interfere at present with these local acts, as far as these general purposes are concerned. Then with respect to another part of this measure, which refers to what I consider a part of the police of the town—and a part which has often led to very great abuses—I mean the power of granting alehouse licenses, it is proposed that this power shall not be vested in any of the magistracy. We think that it ought not to be mixed up or confounded with the duty of administering justice, but that it should be left to the council or to a committee of the council. I think that the council being elected by the rate payers—under the popular mode of election now proposed—although no doubt many of the members may have a desire to favour their friends or promote their own private views as a body—will always act under popular control—and be less likely to abuse the power of granting licenses than magistrates, in whose case the robe of justice is sometimes employed to cover a great enormity of abuses.

I come now to another part of the subject, which, I think, is totally separated and distinct from all the other parts of this measure—that is, the administration of what is properly called justice within these towns. We propose that there should be a division of these 183 towns into two schedules. The greater part of them are to be put into one schedule, to be called Schedule A. The House will observe that, unlike another schedule of that name which formerly attracted great attention in this House, Schedule A., in the present instance, will be one of privilege instead of disfranchisement. The number of the boroughs in Schedule A would be 129, and to these a Commission of the Peace would be granted. The remaining 54 might have, if they chose, a Commission of the Peace on application to the Crown. With respect to the 129 boroughs, the town councils are to have the power of recommending to the Crown certain persons whom they think proper to receive the Commission of the Peace within the borough; but they are not to have the power of electing magistrates in such sense as that the assent of the Crown shall not be necessary to perfect the election. I believe that at the present moment there are more than one thousand magistrates acting within these boroughs; but I do not think that any thing like that number is necessary. I am of opinion that the town-councils will take care not to recommend to the Crown any persons but such as the advisers of the Crown can with safety appoint to the magistracy. These magistrates will not have the power of sitting in quarter sessions, &c. as I have already stated, they will have nothing to do with the granting of ale-house licenses. But there is a considerable number of these boroughs of the largest size, in which it may be proper to have a court of quarter sessions, in which, indeed, there is a court of that kind already established, and in which there is a recorder perfectly fit for his situation.

The Bill, therefore, enacts, that on a town council applying to the Crown for the establishment of a court or quarter sessions, and on their stating that they are willing to continue the salary paid to the recorders, they shall be retained; but such recorder must in every instance be a barrister of five years' standing. Therefore in those towns where there is now a barrister of five years' standing, acting as recorder, and the town councils declare that they are satisfied with the administration of justice by these recorders, they may remain in office, and the quarter sessions be continued.

With respect to other towns desiring to have quarter sessions, but which either have no recorder, or where the recorder is not a barrister of five years' standing, it is intended that the Crown in future shall have the nomination of that officer. It will be necessary for the town to express its desire for the establishment or continuance of quarter sessions, and its readiness to provide for the salary of a recorder, and it will then become the business of the Crown to appoint that judge. It seems to me better that that power should be in the Crown, it being understood that the person appointed shall be a barrister of five years' standing at least, than that there should be any thing resembling the popular election of a judge. The recorder will be appointed during good behaviour, and will not be removable at the pleasure of the Crown; and it may therefore be expected that he will exercise his functions independently and fairly. There are some provisions in the Bill rendered necessary, in consequence of those clauses relating to quarter sessions with respect to the county-rates. These provisions are of some complexity, and I will not enter minutely into their nature.

I have little more to address to the House. I must not, however, omit to state, that in cases where towns wish to have a stipendiary magistrate—and it is well known by several Members of this House, that in many towns their services have been found extremely useful—on their expression of that desire, they shall be at liberty to make certain rules and regulations for the appointment of that stipendiary magistrate, and shall be allowed by the Crown in their behalf. I have now gone through the principal provisions which it is proposed to insert in this Bill. I may have omitted some of them, and perhaps some points of considerable importance, but I think I have stated enough to give the House a general view of the nature of the measure. We find that of these Corporations many are in a state of insolvency, many in a state of internal dissension, and that the funds of many of them are misapplied. We are of opinion, that by the provisions I have now stated to the House, we shall be able in the first place to procure a council for the boroughs, which, by representing, shall possess the good-will of the inhabitants. We think that there will no longer exist the feeling that the Corporations have been created for the exclusive benefit and advantage of one party in the town, and that all those who happen to differ in opinion from that party, or who are not favored by it, are harshly and unjustly dealt with. We are of opinion, in the next place, that by these provisions we shall establish a due and regular police in towns in which that police is at present very defective. We conceive, in the last place, that by these, we shall provide for the pure and due administration of justice within these boroughs containing so large a mass of population.

The measure we propose, in my opinion, is in strict accordance with the spirit and intention of the Reform Act. It is a measure to reform one of our valuable institutions, and at the same time to preserve it; it is a measure to interfere, boldly, I confess, but to interfere after cautious inquiry, and after full proof of the necessity of that interference; it is a measure in strict conformity with the declarations of this House at the commencement of the present Session, that our Municipal Corporations ought to be subjected to vigilant popular control. It is a measure in perfect conformity with the wish expressed by his Majesty in answer to our Address on the subject, when his Majesty declared his hope that the dissolution of Parliament would not prevent any well-considered measures conducive to the general welfare. It is a measure upon which we, as a Government, are willing to stake what credit may belong to us for having formerly proposed Reform, being now, I may say, the leaders of a reforming majority in this House.

We have bestowed great attention upon the subject, though it is true that we have been deprived of the assistance of some persons whose aid we would gladly have received. At the commencement of my speech, I stated that we had been deprived of the assistance of two Gentlemen whom I alluded to, and now at the end of my speech I must also say, that we have also been without the assistance of my noble Friend, Lord Spencer, who, at the end of the last Session of Parliament, gave a notice in this House on the subject. I am sure that if that noble Lord had joined the Government, his assistance would have been most valuable, not only in framing the measure, but in explaining its details, in doing which he is unrivalled. I have attempted to explain to the House the general principle of the Bill; I will leave it to be divided upon with reference to its general merits; I will leave it to the judgment of the people of England to decide whether it is a safe, efficient, and wholesome measure of Corporation Reform. I now beg leave to move for leave to bring in a Bill for the better Regulation of Municipal Corporations in England and Wales.

Sir *Robert Peel*.* Although, Sir, I have resolved to avail myself of every advantage in the discussion of this most important question, which additional time and opportunities of reference, not only to documents already in the possession of the House, but to others which are not yet laid before it will afford me, and to decline entering, therefore, into any detailed discussion of the measure which the noble Lord has this night proposed: yet, Sir, on account of its vast importance, I should be unwilling to allow the Motion to be put from the Chair without a single observation having been offered on the subject except those contained in the speech of the noble Lord. I shall make no opposition whatever to that Motion; I shall throw not the slightest impediment in the way of the introduction of this Bill—and, moreover, I am about to state opinions upon the subject of Municipal Reform generally—though not in immediate reference to this measure, the details of which are so important that each is entitled to separate discussion—which will prove that an opposition on my part, to the introduction of this measure would be quite inconsistent with the opinions which I entertain.

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* From a corrected Report.

Sir, when I look to the state of the population of the larger towns of this kingdom—when I contemplate the rapidity with which places, which at no remote period were inconsiderable villages, have through manufacturing industry, started into life and into great wealth and importance—when I look, too, to the imperfect provision which is now made for the preservation of order and the administration of justice in most of those towns—I cannot deny that the time has arrived when it is of the utmost importance to the well-being of society, to establish within societies so circumstanced a good system of Municipal government. In some of these towns no permanent and regular provision is, at present, made for the maintenance of public order, and the general purposes of good government; in others the provision which was originally intended to be made through the instrumentality of the Corporate system, has become utterly inefficient for the purpose; and I am bound to admit therefore, that on account of the change of circumstances, and on that account singly, there is ample ground for now considering whether such provision ought not to be made in towns not corporate; and whether in those towns which have Corporations, the provision at present in force be not inadequate! Sir, I am bound also to state that, on referring as fully as I have been able to do since they were presented, and amid the great pressure of other business, to the reports on the state of Corporations, the general impression left on my mind is, that, independently of the considerations abovementioned, the general purport of the evidence adduced before the commission, shows that the time is also arrived, when it is necessary for Parliament to interfere, for the purpose of providing some effectual checks against the abuses, which have been proved to prevail in some of the corporate bodies of this country. I therefore, Sir, without hesitation admit, that it is of the utmost importance to the well-being of society, that a good system of municipal government should be provided for the larger towns of this country, whether they be corporate or not, by the means of which the regular and pure administration of justice may be extended and secured, and the maintenance of public order promoted through the means of a well-regulated police. And, Sir, after having made that admission, I think it follows, almost as a matter of course, that corporations where they exist, ought to be made mainly instrumental in effecting those objects. To leave the corporations precisely on their present ground, and to establish new rates (where they may be necessary) for municipal purposes by new laws to be now passed, making no new provision for the application of these revenues, placing them under the sole control of corporate bodies existing on the old principle, would have a great tendency to defeat the object in view. If we admit the fact that the well-being of society requires the consideration of a good system of Municipal government, it is impossible to exclude from simultaneous consideration the existing state of the corporate bodies themselves. I think Parliament has a right to require, by laws to be now passed, that the revenues of these Corporations, excepting where they are applied under particular bequests to special purposes, shall be henceforth devoted to public purposes, connected with public municipal interests. I must say, that if I were a member of any corporation, so far from looking at this question in a mere narrow, party light, I should feel a much greater interest, a much stronger, direct, personal, pecuniary interest, in seeing the corporate funds applied to public purposes, than in seeing them applied to any system of public feasting, or to any objects of mere electioneering and party interest. At the same time it is due to the existing corporations to admit at once, that while I have not the slightest objection to any new provision to be made by law which should impose some check on the appropriation of corporate revenues, such check will involve a new principle of law. The principle of the law heretofore has been, that these corporate bodies have had a legal right to apply their funds to other than public municipal purposes: they clearly had a right to apply their funds to corporate purposes as distinguished from municipal; and I apprehend that it has been ruled by the highest authorities, that excepting so far as the restraining statutes interfered with the powers of ecclesiastical corporations, the corporations of this country had a right to regulate at their discretion, the application of their property, and even to alienate it, if they thought proper. The report made by the Commissioners has not sufficiently referred to the principles of law in conformity with which the corporations have hitherto acted. I think, also, there is ground for complaint that this report involves all the corporations in too indiscriminate a censure, that it does not sufficiently point out the many cases in which corporations have acted honestly in the performance of their trust, but that it has thrown a general reflection upon all corporations, in consequence of the abuse of their functions by a limited number. The noble Lord did wisely in laying down the principle that we had much better defer to a future opportunity any attempt to cite particular instances in which corporations may not have been justly dealt with. It is much more convenient on this occasion to refer to the general principle of the measure than to enter into the consideration of any special and individual cases. The noble Lord's precepts, however, were, as it often happens, much sounder than his practice. The noble Lord said, he would not refer to instances of particular corporations; but scarcely had the words escaped the noble Lord's lips, when he referred to some eight or ten corporations—not very impartially selected, I must say—and it is a little singular, that of those eight or ten corporations, the noble Lord became acquainted with the circumstances of four-fifths of them by having access to documents which have not yet been laid before the House. We have had no report upon Norwich—we have had no report upon Bedford — we have had no report upon Oxford — we have had no report upon Cambridge—we have had no report upon Orford—we have had no report upon Aldborough—we have had no report upon Ipswich, — and yet these are the cases which the noble Lord has selected, and upon which he has mainly founded his argument. There is a double ground of complaint against the noble Lord. He first takes the unfair advantage of quoting from documents, to which he alone has had access, thus precluding all answer or explanation, which a reference to those documents might possibly afford; and secondly, he selects the cases of corporations in which a particular class of political opinions predominates, thus warranting the inference, that the party in the State holding those opinions, had been specially, if not exclusively, the encouragers of corporate abuse.

The noble Lord in the playfulness of his fancy, sent down an antiquarian on an excursion to the eastern coast of this country, to examine with particular and special care into the cases of Aldborough and Orford. Now, I hope the antiquarian will travel into the interior; I hope he will not select the smallest boroughs in which to indulge his antiquarian propensities. I hope he will go to Derby—yes, I hope he will go to Derby—and moreover I hope he will go to Portsmouth. I really wish the noble Lord had not taken this course; I wish he had adhered to the rule he himself laid down, because it would have been infinitely better to discuss general principles, without reference to particular cases; and above all, if there were to be references to particular cases, it should have been to cases to the reports on which all sides of the House had had access equally, and which were a fair and impartial selection. Why, see to what an objection the noble Lord lays himself fairly open. If these unpublished reports be important as illustrations of his arguments, why did the noble Lord press forward this measure until those reports were completed? I seek no delay of this measure; but I must say, with reference to good Government and to the success of the Municipal system about to be established, that I do hope his Majesty's Government—if they should find on this side of the House that disposition which they seem not to have anticipated, to discuss this question fairly, without reference to its party bearings, but with a single view of providing a system of good Government—I say, I do hope his Majesty's Government will feel it to be important on a matter even more intimately connected with the peace and happiness of these towns than the Reform Bill itself, to afford most ample time for the mature deliberation of the details of this Bill. If the noble Lord deem those reports, which are not yet laid upon the Table, to be important as illustrations of his own arguments, he ought at least to enable us to refer to the whole of them before we are called upon to decide on the details of the measure. I again repeat, that I wish the noble Lord had not made a partial speeech. If the noble Lord looks to the facts of the case, he will find nothing in the corporations of Aldborough or Orford, which will make them more open to his comments, than Corporations over which his own political friends have exercised an influence. I am quite aware of the observation in reply to which I expose myself, I am quite aware that if I show that no class of political opinions, whether professedly Liberal or Conservative, is a guarantee against the exercise of undue influence, that I am only fortifying the general argument in favour of a Reform. No doubt this is the case. The more general the perversion of Corporate privileges, the greater the necessity for correction; but let us have the case fairly stated—let us acknowledge the truth, that Tory Corporations are not the only ones to blame. The noble Lord forces me to offer him a specimen, and it shall be but a specimen, of Whig, pure Whig Corporations, I am sure it escaped his recollection, and I therefore invite him to refresh his memory by referring to the report on Derby. He will find it stated in the case of the Corporation of Derby, that whenever they thought the number of the freemen in their interest was "getting low," the Mayor, or some other influential Member of the Corporation, applied to the agents of the Cavendish family, and requested a list of the names of persons to be admitted as "honorary freemen." The Corporation took this course, because they wished to avail themselves of the interest of the Cavendish family over the freemen so admitted. On the last occasion when honorary freemen were made, almost all of them were tenants of his grace the Duke of Devonshire. The agent of his grace paid the fees on the admission of the honorary freemen. Without the creation of such freemen, it was said the Corporation "could not have kept the Tories quiet—they would have been restless." Now we are not so intolerant here, I am sure, as to presume that our own opinions, or our own acts, must be exactly right, and those of every one else wrong; but if this Corporation Report had stated that a Tory nobleman had nominated all the freemen, and had paid for their freedom, and that the excuse was, that without doing so, they could not have kept the Reformers quiet—the Reformers, ("who were very restless,") what a burst of vehement indignation would have been raised in this House against such an abuse of Corporate privileges. I have not the slightest intention of following the noble Lord's example in detail. As for myself and the Corporation of Tamworth, with which I have the honour to be connected, we have no reason to shrink from any inquiry. As far as that truly honourable Corporation is concerned, the report is most satisfactory. It gives to the Corporation, both in respect to the selection of Members and all its proceedings, unqualified praise.

I will not follow the noble Lord, by detailing many cases of Whig abuse; but there is one other Corporation of which I must remind the noble Lord. The antiquarian must not omit in the course of his excursion to pay a friendly visit to Portsmouth. [*Mr. Bonham Carter bowed, which occasioned much Laughter.*] "In Portsmouth," say the Commissioners, "it can hardly be necessary to point out the complete closeness of the system. For a long series of years, it has been exercised with the undisguised purpose of confining the whole municipal and political power to a particular party, and almost to a particular family, and, (as the report justly observes), it has been found perfectly efficacious in its operation." "That no instances can be traced of municipal corruption, seems attributable, not to any correcting principle in the system, but merely to the absence of evil intentions in those who have accidentally been placed at its head." Now, if I were to choose a Corporation in the neighbourhood of which I, as an individual not interested in the honest application of Corporate property, and fond of good living, should like to reside, the Corporation of Portsmouth is the one, of all others, on which, without a moment's hesitation, my choice would fall. [*Mr. Bonham Carter expressed his dissent.*] The hon. Gentleman shakes his head; let me beg his attention to the facts stated by the Commissioners, with reference to that Corporation. Their revenues are, I think, 600*l.* or 700*l.* a-year, of which about 450*l.* is annually expended in feasts. Here is the account:—"The feasts," say the Commissioners, "are rather more expensive this year than in ordinary years." Now, here let me ask the House in what year they suppose it was that the expense of feasting was particularly heavy? Why, no less than the great era of Reform. "On the occasion of the accession of his present Majesty, 41*l.* 9*s.* was spent in refreshment for the party attending the proclamation, and in the year 1830 the sum of 108*l.* 10*s.* was expended on a dinner given on the election of the representatives — which expense, says the report, was defrayed on former occasions by the Members themselves. The annual average expense of feasts from 1824 to 1831, inclusively, was 447*l.* An account was given to us, showing that the average income during that time, accruing from dividends and rents, was 600*l.*" Now I have proved, I think, beyond a doubt, that in the whole kingdom there is not a more hospitable Corporation than this, at least in proportion to their means; for out of an income not exceeding 600*l.* the annual average expenditure on the rites of hospitality is no less than 447*l.* But mark the attachment of the Members of this Corporation to the great principles upon which the Reform Act was founded. Nothing can more clearly show their devotion to Reform, than the special exception which they make in 1830 from their former usages, and the increased hospitality in which they indulged at the era of Reform. Then it is that they add a new item to their expenditure, and pay 108*l.* 10*s.* for an election dinner, the charge for which has been heretofore defrayed by the Members themselves.

Mr. *Francis Baring* said, as we understood, that he had paid his share of the expense.

Sir *Robert Peel:* Here is the report in which the whole matter is set down.

Mr. *Bonham Carter:* It is a very faithful report.

Sir *Robert Peel* continued—41*l.* 9*s.* was sufficient for a feast on the occasion of his Majesty's accession, but no less a sum than 108*l.* was expended on a dinner to the representatives on their election. The hon. Gentleman says, that this report is a faithful report, and he, no doubt, has repaid to the Corporation his share of the money. I shall say nothing in regard to the Corporation of Nottingham, or any other Corporation; nor, indeed, should I have alluded to that of Portsmouth, but for the purpose of showing that neither the noble Lord, nor any other person, ought to attempt to visit upon any one party exclusively, the abuses which have existed in Corporations.

But the better course is to look to the future; and I, as one of the Conservative party, strongly advise all Members of Corporations readily and willingly to concur in an Amendment of the existing system—to relinquish the influence that they may have derived from the control over corporate funds and charitable trusts—but upon this express condition—that the Reform be a sincere, *bonâ fide* Reform—that it be not a mere pretext for transferring power from one party in the state to another; that the object aimed at shall be—a good system of Municipal Government—taking security, as far as security upon such a subject can be taken, that the really intelligent and respectable portion of the community of each town be called to the Administration of Municipal affairs; and guarding against the future application of the charitable or corporate funds to any other than charitable or public purposes. If this be the avowed and the real object of the new measure, I for one shall be disposed to give a favourable consideration to its general principles, and will co-operate cheerfully in the Amendment of its details; but if, under the specious pretext of Amendment, it shall be merely calculated not to extirpate, but to transfer the abuse of power—to extinguish one political party and elevate another—then I shall consider the Bill a great public evil, aggravating and confirming and perpetuating every existing abuse. I do not object to the principle, that corporate revenues shall be applied strictly to public municipal purposes—I do not object to the principle, that those who administer those revenues, and exercise corporate authority, shall execute their trust under the control of popular opinion. If, after admitting the leading principles, I suggest delay in the further consideration of this subject, I make the suggestion with no sinister view, and from no motive but a desire for the successful working of the new system. A great question of this kind, so complex in its details, and so very important in its principle, should not be hastily discussed. It requires long and deliberate investigation; and a little delay would not be misplaced in such a case. Great questions are never fully or successfully matured by a hurried process; their perfection is only the work of caution, time, and care.

I beg to advert briefly to one or two

points in the noble Lord's Measure. He says the right of suffrage is to be invested in the rate-payers. [" *No*", *from the Ministerial side*.] Well, in the rate-payers being householders, and subject to certain conditions of residence and payment of rates. He does not invest it exclusively in the 10*l.* householders. He would allow every one, no matter what the amount of his qualification be, a vote in the election of the governing body of the town, provided he be a resident rate-payer. The qualification of the constituent body is of course a most important element in the Question. So is the frequency of elections. How often are they to take place? Every one who had respect for the good order of society, and was anxious to prevent personal collisions and animosities, which were unhappily consequent on elections, should be anxious to avoid too frequent occasions for these popular ferments. Corporate Reform may be a very desirable and beneficial measure; but I trust we can procure the advantage of it at a cheaper rate than the sacrifice of the harmony, and good will, and social concord of the societies to which it is to be applied. If there is to be a perpetual conflict of political principle in every town—a constant revival of bitter animosities, with all the concomitant evils of popular elections — the result may be—the exclusion of men of intelligence and respectability from corporate functions—a bad administration of corporate authority—and destruction to all friendly intercourse and social happiness among men of different parties in the same town.

I give no opinion at present upon the nature of the qualification which the noble Lord proposes for the constituent body. If he had taken the 10*l.* franchise as the qualification, he would have had the same means of ascertaining the actual right to vote, which exists in the case of elections for Members of Parliament, namely, registration of the voter. If he takes a different franchise, there must still be some check upon the exercise of it—some means of proving that the right claimed is really possessed by the party claiming it. If the noble Lord's plan be adopted, there will be in each borough town three different popular bodies entitled to vote in public matters. The vestry, controlling the expenditure of the poor-rates—the 10*l.* householders, electing the Members of Parliament—and the body of householders who will be entitled to vote for the Common Council, and Corporate officers. This seems, at first sight at least a complicated and not very satisfactory arrangement.

Another important point, and one which will require very deliberate attention is, the fixing of the limits of the new Corporate jurisdiction, in all cases wherein the limits of the existing Corporate authority are unsuitable. By whom are the new limits to be determined on? Are they to be co-extensive in all cases with the limits of the borough under the Reform Bill? And if not, what authority shall decide on the exceptions to be made—and on the precise degree to which the old limits shall be extended? If the new Common Council is to have the authority of imposing additional rates for municipal purposes, this question of limits will be a most important one, and one of very difficult settlement. It will occasionally be embarrassed by the existence of local acts, extending over districts, the limits of which are different both from those of the old corporation, and of the new borough, and which districts may have separate debts, and separate engagements. It may be very fit to abolish all these distinctions, and incorporate the whole into one district, subject to one general superintending authority; but it will be no easy matter, I fear, to provide by one general law, for the mode of doing this consistently with justice, and the satisfaction of the parties concerned.

Some express provision ought to be made with regard to the existing obligations of corporate bodies. Many of them have contracted debts and engagements, in some cases, perhaps, improvidently; but still, if those debts and engagements were contracted under the authority of the law, the creditors ought to have a full assurance that the nature of their security shall not be affected by any change in the corporate authorities. In some Corporations, the members of which are trustees of charitable estates, the estates have been alienated, and a compensation has been made by the charitable trust, not very regularly, perhaps, in some instances, out of the Corporate revenues. Here, again, there ought to be a restraint upon the power which any new body may acquire over those revenues, and provision should be made, that the first lien upon the Corporate property shall be, the re-payment of the sum due to the charity, on account of the alienation of the trust estates.

Then again, with respect to Ecclesiastical patronage. Many Corporations are possessed of valuable livings, and extensive patronage connected with the Church. Surely the right of appointing to livings ought not to be exerised by those who are not members of the Church—who cannot be fit judges of the qualifications requisite in a minister of another religious profession, and have no direct interest in making fit appointments. A Corporation possessed of Ecclesiastical patronage, might, under the new system, be composed entirely of Dissenters, or might be under the control, at least, of a predominant dissenting interest. Would it be fitting that Ecclesiastical patronage connected with the Church of England should be exercised by a dissenting body? Would not Dissenters themselves be the first to protest against any legislative enactment, which should by possibility place the nomination to their spiritual charges, whether Roman Catholic, or Methodist, or Presbyterian, in the hands, or under the direct influence, of members of the Church of England.

With regard to the future management of charitable trusts, such as have been hitherto under the superintendence of corporate authorities, some special provision will be, in my opinion, necessary, for the purpose of strictly confining the application of the charitable funds to the purposes for which they were intended. If they are to be placed under a political body, what security will there be that the political interest will not, as it has heretofore done, sway the distribution of the charitable revenues? There must be a selection of objects, and a large discretion as to that selection, capable of being very easily perverted to the promotion of party objects. Popular elections will give no security on this head; the body which owes its authority to the popular voice will have just as great temptation to the undue exercise of power in the management of a charitable trust, and as great opportunity for exercising it improperly, as a self-elected oligarchy. The only effectual precaution will be the separation, if possible, of the charitable from the municipal trust, and the selection of some independent and impartial authority, subject to proper control, for the management of the charitable estates, and the appropriation of the charitable revenues.

The noble Lord has touched very imperfectly upon the local administration of justice under the new system which he proposes to establish. He has not adverted to the contemplated establishment of Local Courts, exercising jurisdiction in certain civil causes, and especially in regard to the recovery of debts below a certain amount. It will deserve serious consideration, whether, in the event of the establishment of such a local jurisdiction, the necessity for maintaining any separate borough jurisdiction will not, in most of the Corporate towns, be superseded. In some of the larger ones, it may be fit to have a separate jurisdiction, but in the small boroughs, the continuance or establishment of a separate jurisdiction, would interfere with the satisfactory and succesful operation of any measure for the local administration of justice, founded upon general principles.

There is one point on which the noble Lord has expressed an opinion, from which I see strong ground to dissent, namely the proposal to devolve upon the Common Council—upon a body owing its authority to popular election merely, the exclusive power of licensing public-houses within the Corporate jurisdiction. I think this is a power, which a body so constituted, is not likely to exercise wisely or impartially—that it is a power which may be grossly abused for party purposes, and also with a view to selfish considerations of personal interest. Here again I see no additional security against such abuse in popular election.

The noble Lord proposes to confine the division of boroughs into wards, to twenty boroughs. I am very much inclined to think that the principle of such division may, with advantage, be extended much further—and that you may thereby ensure a much fairer representation of property, and of the varied interests in a borough, than if you were to make each borough a single district, without subdivision, so far as the right of election to Corporate office is concerned.

Upon many of the points adverted to by the noble Lord, the qualification of the constituent body, the number of the governing body, the frequency of elections, and other important matters of this kind, I shall reserve my opinion, feeling it quite unsuitable to the importance of the subject to pronounce a decided one at present. Of this I am satisfied, that no system of Municipal Government, however specious in its theory, will promote the object for which alone it ought to be designed, will ensure the maintenance of public order, the pure administration of justice, or the harmony and happiness of the societies to which it is to be applied, unless its direct tendency be to commit the management of Municipal affairs to the hands of those who from the possession of property have the strongest interest in good government, and, from the qualifications of high character and intelligence, are most likely to conciliate the respect and confidence of their fellow citizens.

Mr. *Strutt* said, that the Corporation of Derby which he had the honour to represent, having been alluded to, he could, upon the part of the members of that Corporation, state that none would more sincerely coincide with him in thanking the noble Lord for having introduced this measure than they would.

Mr. *Hume* hoped that all parties would co-operate in making this measure as perfect as possible. He wished to ask the noble Lord whether his Bill was intended to apply to any other Corporations, but the 183 mentioned by him.

Lord *John Russell* was understood to say, that a separate measure would be introduced in regard to London, with regard to some of the other Corporations mentioned in the Report, they were so small that he had not determined whether they should be included or not. The right hon. Baronet had complained of his having gone into details of the abuses of some particular boroughs, but that was not the case, as he had only stated of whom the Corporation consisted in those boroughs.

Sir *Robert Peel* observed, that there were some small Corporations which had ceased to return Members to Parliament: he would, therefore, suggest, that if they wished to resign their Corporate privileges they might be at liberty to do so. He thought that there could be no objection to this, provided it was done with the consent of all the parties interested.

Lord *John Russell* was aware that there were some small Corporations which did not possess sufficient means of paying their expenses: it might, therefore, be desirable to get rid rid of them. He saw no objection to the suggestion of the right hon. Baronet.

Mr. *Brotherton*, as a Member for one of the new boroughs alluded to by the noble Lord, rose to express his gratification with the measure now proposed. In the borough which he represented, the principle of the proposed Bill had been acted upon for some time, and it had been found to be most beneficial. In the large town of Manchester there was a most numerous constituency; and in the first instance it was proposed that none should have a vote in connexion with the Municipal Government of the place who did not pay a certain sum in rates; in consequence, however, of the small number of voters that there would be under such an arrangement—he believed not more than fifty—it was determined to make the voting general to the rate-payers, and this had given universal satisfaction. He did not entirely concur with the noble Lord on one point; he did not see the expediency of making the payment of rates for three years a necessary qualification for a vote. This would unnecessarily limit the constituency. In Manchester the number of voters was several thousand, and it would be reduced by the Bill, if the payment of three years' rates was insisted on to constitute a qualification. He thought well, however, of the measure, taking it altogether, and he had no doubt that it would give general satisfaction to the country. He felt perfectly satisfied that the property intrusted to the control of the Corporate bodies to be appointed under the Bill would be managed to the satisfaction of the people.

Mr. *Ewart* felt bound to observe that he, as the representative of an old Corporate town, was equally satisfied with the hon. Member who spoke last with the measure of the noble Lord. He was convinced, that the extent of suffrage, limited in the way proposed by the noble Lord, would not greatly reduce the number of voters. It was a curious circumstance that one of the first countries which adopted a sound system of Municipal Government to any extent, was strictly monarchical. He alluded to Prussia, where, in 1808, an extensive measure of Municipal Reform, corresponding, in many respects, with that of the Noble Lord, was proposed by one of the first Ministers of State that ever lived in that country—he meant Baron Von Stein. There were some principles connected with that plan which he thought might be taken up with advantage by the noble Lord, and adopted in his measure. Among other things, he provided, that any householder should enjoy the privilege of voting, and that the suffrage should be taken by Ballot. Thus that mode of voting had been adopted in Prussia—a strict monarchy, and almost a military government; and although it had, in some respects been in operation for upwards of thirty years, no complaints had been made, and no evil had been found to result from it. Approving, as he did, of the Bill, still he claimed the right of making any objections that occurred to him, and above all, urging the adoption of Vote by Ballot. There was no doubt that the measure of the noble Lord would meet with the approval of the majority of the House, though it might not give satisfaction to all parties, and he was confident that this measure would, in future ages, be regarded as one of the greatest benefits ever conferred on the country.

Mr. *O'Connell* was anxious to say one word before the question was put to the vote. He thought that there was an essential defect in the title of the Bill. There was a deficiency of one word which greatly diminished the value of the measure. It was entitled "A Bill for the Better Regulation of Municipal Corporations in England and Wales." The word he wished to see annexed to it was Ireland. In other respects he did not think that it was possible to produce a measure which was more entitled than the present to universal approbation. From the omission of the word he had alluded to, it might appear that, since the Union, Ireland was only to be treated by measures of coercion; and while the House had been extending the franchise to other parts of the empire, it had been cutting Ireland short of her share. They had already experienced the evils of doing injustice to Ireland in many points. The Irish Reform Bill was distinguished by its injustice in this point, namely, doing so much less for Ireland than for England. He hoped that they would remedy the injustice they had done, and that they would give a measure equally extensive as the present to Ireland. They required no more; they would not be satisfied with less, nor ought they to be satisfied. The right hon. Member for Tamworth had thrown out an observation respecting leaving livings in the hands of Corporations, the greater portion of the members of which were Dissenters. He belonged to a sect in Ireland which preponderated in some towns, and he should not object to an arrangement which, he believed, would be satisfactory. At present Roman Catholic laymen, although possessed of livings, could not institute to them, which had never been complained of. Now he would suggest, that in case the greater number of the members of a Corporation were Roman Catholics, that the right of bestowing the Church patronage belonging to it should be given to the Bishop, as the proper guardian of the Church. On this principle he should not hesitate to recommend this alteration, but he hoped that Ireland would have all the other parts of the Bill conceded to her. He was sure that this measure would give the greatest satisfaction to all persons not connected with monopolies. The right hon. Gentleman had taunted the noble Lord with selecting the boroughs he had alluded to only from one side, but it could not be said, with respect to Ireland, that partiality could be resorted to in the selection of boroughs, for it so happened that the Corporations in Ireland were all on one side. It was perfectly clear that Catholics were entitled to admission into the Corporations by birth or servitude, and yet, by a bye-law, they had been constantly excluded. One of the judges, now on the bench, Chief Baron Joy, had endeavoured to confirm this regulation of the Corporation of Dublin. Ireland required Corporation Reform more than England; and he trusted that the noble Lord and his Colleagues would not give less to his countrymen than they had given to the people of England.

Lord *John Russell* said, that, under this Bill, there would be a power of making new Corporations; but it was not intended to apply this principle to the new metropolitan boroughs.

In answer to a question of Lord Sandon,

Lord *John Russell* stated, that all persons, having the right of voting under the Reform Bill, would have a vote in Corporations.

In answer to another question,

The *Noble Lord* stated, that after the death of the present race, there would be no freemen to vote.

Mr. *Baines* was sure that the Dissenters of England and Wales would not wish to interfere with the Church patronage belonging to Corporations, even though they should form a majority of their bodies. All that they sought for was, an equality of civil rights, and perfect freedom of religious opinion. He agreed fully with the right hon. Baronet, the Member for Tamworth, that it would be as improper to exclude Conservatives from their fair share in the honours and privileges of Corporations, as it was to exclude Liberals, and all that was sought for was an equal participation in those immunities. He sincerely hoped that, in future, there would be no exclusion on account of religion or politics on either side. The plan announced by the noble Lord seemed admirably calculated to guard against this evil — the source of so many complaints, and the foundation of so much party jealousy and discontent. It was a truly liberal and extensive plan, founded upon the ancient Constitutional Elective Municipal Franchise and it would, in his opinion, give very general satisfaction to the country.

Mr. *Roebuck* remarked that, in many large towns, there were great numbers of persons who had holdings under 10*l.*, and were not rated, consequently they would not be entitled to vote in Corporations.

Lord *John Russell* replied, that rating usually depended on an arrangement between the landlord and tenant. A person could generally be rated on an application on his own part.

Mr. *Finn* was most anxious that a measure of equal extent with the present should be granted to Ireland. In that country the Corporations were infinitely worse, and squandered the money of the people away in a manner which the people of England could form no conception of. He wished that the Government had some measure ready for Ireland.

The *Chancellor of the Exchequer* assured the hon. Gentleman that it was the intention of his Majesty's Government to bring forward a measure of Corporation Reform for Ireland, as extensive in its provisions as that introduced by his noble Friend. He could speak of the necessity of reforming the Corporations in Ireland; he had had experience of the conduct of one of those bodies, and he knew that the conduct pursued by that was not singular to it. There was a circumstance which prevented the present Bill being applied to Ireland—namely, the principle of giving votes to rate-payers. Every one connected with that country must be aware that such a principle was not applicable to Ireland. He was sure when the measure for that country was laid before the House, the hon. and learned Gentleman, as well as the hon. Member who spoke last, would do justice to the wishes of the Government. In the course of a few days the Report on Irish Corporations would be laid on the Table, a measure founded on it would be, shortly afterwards, produced, and he trusted that it would give as much satisfaction as the Bill now proposed to be introduced.

The *Attorney General* wished to remind hon. Members, that England was not the first country that had had a measure of Corporate Reform conceded to her by the present Government. They had conceded such a measure to Scotland three years ago, and it had been found to operate most beneficially. The people of England had waited patiently until the inquiry of the Commissioners had been completed, and a measure was now produced which appeared to give general satisfaction; and he trusted that in the course of a few days a Bill for Ireland would be introduced, and would meet with a similar reception. He could not sit down without referring to an observation—which appeared something like a slight slur—which had fallen from the right hon. Baronet. He was sure that when the right hon. Baronet had read the whole of the Report, he would feel that the Ministers had acted with the greatest impartiality. Indeed, the case of Derby, referred to by the right hon. Baronet, was a proof of this.

Motion agreed to.

The Bill was brought in and read a first time.

GRAND JURIES, (IRELAND.)] Sir *Richard Musgrave* said, he rose for the purpose of asking leave to bring in a Bill, the principal object of which was to consolidate the laws relating to the civil functions of Grand Juries in Ireland, and to promote the extension of Public Works. It was unnecessary for him to say much on the importance of public works. The principal design in introducing the Bill was to afford employment to the able-bodied labourer. He had already brought forward a Bill for the relief of the helpless poor. If, in addition to these measures, a certain control over the expenditure of counties were given to the Board of Works, in Ireland, a complete system of employment and relief would be established. The laws relating to the civil duties of Grand Juries were 100 in number. They were so numerous and their provisions so complicated that even the judges and counsel on circuit hardly professed to understand them. By the proposed Bill, all these laws would be consolidated, and this, he conceived, would confer a great public benefit. To consolidate these laws, and to frame the other important provisions now proposed, was a work of great difficulty and of very great labour. It had been undertaken by Mr. Harrison of Lincoln's Inn, and by a relative of his (Sir Richard's) who had devoted much attention to the state of Ireland. Hon. Members, on reading the Bill, would find that the task had been accomplished with ability. In the present state of the House, he would not detain hon. Members longer. He therefore moved for leave to bring in a Bill for the administration of certain civil affairs of a local nature in Ireland.

Leave given.

IMPRISONMENT FOR DEBT BILL.] Sir *John Campbell* said, he had to lay upon the Table of the House the Report of the Committee to whom were referred, for a second time, the Bill for the Abolition of Imprisonment for Debt. He trusted that all the difficulties in the way of that measure being passed, would now be removed. One of the amendments agreed to in the Committee was, that book debts were to stand on the same footing as bills of exchange and bonds. After a great deal of deliberation, two clauses were introduced in conformity with the opinion of a large majority of the Committee, the operation of which would be to enable the assets of insolvent persons to be administered by trustees without taking out a fiat of bankruptcy. If creditors chose, they would have the opportunity of winding up the estates, the intervention of a lawyer not being necessary. It was proposed, that if seven-eighths of the creditors concurred in this arrangement, the one-eighth were to be over-ruled, and would not possess the power of fraudulently resisting the arrangement. He should move that the Bill, as amended, should be re-printed, and that the Report should be taken into further consideration on Wednesday se'nnight.

Motion agreed to.

POSTAGE DUTIES.] Mr. *Labouchere* rose to move that the House resolve itself into a Committee, that he might propose certain Resolutions upon which he intended to found a Bill for the extension of the accommodation by the posts to and from foreign parts. The object of the measure was to facilitate the transmission of letters and newspapers between this kingdom and foreign countries; and he expressed a sanguine hope that if it were passed, it would be possible to meet the wishes of the French Government upon the subject of that more extended intercourse which was so desirable between this country and France. He added, that the Bill was not for the imposition of any additional postage; on the contrary, it was entirely for the reduction of postage.

The House went into Committee, and a Resolution was proposed, that it was expedient to regulate or reduce certain rates of postage.

Mr. *Mark Phillips* called attention to the circumstance of newspapers in which particular paragraphs were scored, being subject to postage.

Mr. *Aglionby* wished it to be understood that such newspapers, addressed to Members of Parliament, ought not to be subject to any charge.

Mr. *Labouchere* said, that the subject was entirely new to him. He should take the opportunity of communicating with the Post-office upon it. He himself had never paid any charge for newspapers addressed to him in which paragraphs were scored, and he did not think that any charge ought to be made; at the same time he could conceive a system of ingenious scoring which might be used to a very unfair extent.

The resolution was agreed to, the House resumed, and a Bill to carry the Resolutions into effect brought in, and read a first time.

THE SPEAKER'S LEVEES.] Mr. *Hume* said, as the House is now about to adjourn, I rise to call its attention to a subject, which, though it relates to a matter of etiquette, is nevertheless of no slight importance. There is no privilege with which the Members of this House are invested which we should be enabled to exercise with less restraint than that which enables us to pay our respects to you, Mr. Speaker, in the usual form. I can say, of my own knowledge, that many individuals, during the time I have been a Member of Parliament, have been prevented from paying their respects to you, Sir, at the levees which take place about this period of the year, in consequence of its being obligatory upon them to attend in the court costume of bag-wig and sword. Very few, comparatively, have attended these levees of the Speaker in consequence of being prevented by the continuance of an old, and, as I think, unnecessary custom of Members of this House appearing in any but the costume I have mentioned. Now, as I consider that the Members of this House ought to be allowed full opportunity of paying the usual visits of attention and respect to the Speaker, I am anxious that the House should declare that these visits may be paid in the ordinary evening dress, instead of being compelled to appear in court dress, a dress which many hon. Members have not always at hand, and it may be a matter of inconvenience on the part of some, and disinclination on the part of others, to wear. I hope it will not, for a moment, be supposed that I intend the slightest disrespect to the Speaker by the proposal I have made to the House; on the contrary, it is because I entertain a confident hope that his levees will be more fully attended than any that have taken place for a considerable time that I have suggested the means of accomplishing what I consider an object of very great importance.

The *Speaker* said, with reference to the subject which the hon. Member has brought under the consideration of the House, I can only say that I shall always cheerfully follow the example of my predecessors in consulting the convenience of the House as to the mode of conducting the customary levees. With respect to the change in dress proposed by the hon. Member I do not feel myself justified in proposing any alteration in it to the House, as I have a prescribed duty to perform with reference to it—namely, to follow the course adopted by my predecessors. However, if the House should, in a matter which exclusively concerns their own feelings and sense of propriety, express any decided opinion on the subject, it will afford me the highest gratification to conform to the wishes of the House.

Mr. *Warburton* approved of the proposal which had been made by the hon. Member for Middlesex. It was not, however, because he had no court dress that he was desirous to see the intended change effected, but because he was satisfied that many hon. Members were restrained from attending on these occasions by being compelled to make merry andrews of themselves in court dresses. It appeared to him that it would be much more decorous to appear in the ordinary evening dress, such as that in which the Members of that House would appear in the Houses of the first noblemen. From what had fallen from the Speaker, he inferred that he was inclined to approve of the proposed alteration in the dress.

The *Speaker:* I have expressed no opinion upon the subject. It is a matter in which I feel that I ought not to interfere.

Mr. *Francis Baring*: I am sure, Sir, that you will be happy to receive the ordinary attentions in any manner which the House may determine; but, looking to the empty benches of the House, I do not think this to be a proper time for taking a decision upon such a question.

Lord *Sandon* thought that an unfavourable time for making any alteration in the mode of paying the customary respects to their Speaker, whose levees he for one, should be most happy to attend, as a proof of his approval of the manner in which he had performed the duties imposed on him.

HOUSE OF LORDS,

Wednesday, June 10, 1835.

MINUTES.] Bill. Read a second time:—Marriages Legalizing.

Petitions presented. By Lord DUNDAS, from Malton, for an Alteration in the Corn-Laws.—By the Dukes of GORDON and BUCCLEUGH, Earls SELKIRK and ROSEBERY, Lord DUNDAS, and another NOBLE PEER, from several Places,—for Additional Accommodation in Scotch Churches; and by the Earl of ROSEBERY, from several Places, against any further Grant of Money for Building Churches in Scotland.—By Lord DUNDAS and another NOBLE PEER, from Herefordshire and Bedale,—against allowing Beer to be drunk on the Premises.—By Lord DUNDAS, from Clackmannan, for an Alteration in the Game-Laws.

WESTERN RAILWAY.] Lord *Wharncliffe* moved the second reading of the Western Railway Bill. He said, he had hoped to find that the opposition to the Bill, by the Provost and Fellows of Eton, had been withdrawn, and he was sorry to find from a petition presented by the noble Duke (the Duke of Buccleugh), that such was not the case. The noble Lord entered into a brief history of the undertaking, of the difficulties which the projectors had met with last year, and of the opposition to their plan by Eton College. He said, that to satisfy this opposition, the company of proprietors had offered to enter into an agreement not to make a branch rail-way to Eton through Windsor; and the engagement was of such a kind, that he thought it might have been deemed perfectly satisfactory. Indeed a correspondence which had taken place on this subject, justified him in entertaining that expectation. Doctor Hawtry had written a letter, referring to his former opposition, and had said in that letter, that on the subject of that opposition the explanation given by Mr. Saunders was perfectly satisfactory; that he had before been painfully deceived, although, from the source which had supplied the information, he had supposed that he might adopt the statements made, without the slightest fear of misrepresentation. Such was the letter of Dr. Hawtry, and that letter concluded with a statement, that Mr. Saunders might make what use of it he pleased. The House ought to give this Bill a second reading, which would only be admitting its principle, and the details of it might afterwards be considered in Committee. He said that the House ought to give this Bill a second reading, because he thought that a good case was made out to warrant this application to Parliament. This was the second year in which these parties had been before Parliament on the subject of this Bill, and they had proved, as he thought, before the Committee of the House of Commons last year, that the line they proposed to adopt was the best that could be adopted. It was not, however, these parties alone who would have a right to complain of the hardship they suffered if this Bill was now rejected. The merchants of Bristol would have a right to complain. The town of Liverpool, the great commercial rival of Bristol, had a rail-road communicating with the metropolis conceded to it. Why should the same advantage be denied to Bristol? Their Lordships must not imagine that that they could prevent the creation of rail-roads, communicating between any of the great ports of the kingdom and this metropolis, that would be impossible, and entertaining that belief he pressed the Bill upon their Lordships' consideration, and he should not believe, till he saw it, that they would reject it. He moved that it be read a second time.

The Duke of *Buccleugh* said, that the sentiments of the Provost and Fellows of Eton-college remained perfectly unchanged on the subject of his objections to this rail-way. There was one argument which had fallen from his noble Friend that he confessed he did not understand, and that was the argument as to the hardship of the case. He did not think that, on account of the supposed hardship to any company, the House ought to concede a Bill of this sort. There were other considerations that ought to weigh with them; one of these peculiarly deserved their attention. There was, at this moment, another line of road which had been surveyed, issuing out of the line of the Southampton and London Rail-way, a line of road much shorter than the other, and capable, if adopted, of saving a considerable part of the labour now proposed to be bestowed upon the Great Western Railway. Of this line, a distance of forty-five miles was now in a course of construction: and taking into consideration the distance from the main line of the proposed Great Western Rail-way, to the manufacturing districts of Trowbridge and Bradford, there would be, by the adoption of the Southampton line, a saving of the cost of construction altogether of fifty-two miles. Then again, the nature of the country through which the proposed line was to pass, offered considerable obstacles to the plan. In one place on the proposed line there must be a tunnel a mile and three quarters long with an inclination of forty-nine feet in a mile, and the progress of the machines there must be assisted by a stationary engine, or by locomotive engines. The former plan would be disadvantageous, the latter almost impossible. The Great Western Rail-way Company might avoid all these difficulties, if they chose to do so. An offer had been made to them by the Bath and Basing Company, of as fair and honourable a kind as any one company could ever make to another. Their offer had not been accepted, yet there could be no doubt that if that offer was adopted, the line of rail-road secured to the public would be infinitely more advantageous than the one now proposed—for it would furnish one continuous line of road connecting itself with Portsmouth by a branch road, and thus connecting Portsmouth and Bristol with the Thames. The considerations, therefore, on which the House should determine were not whether a certain Company had before been disappointed, and whether it would be a hardship to disappoint them again, but which of the two plans offered was the best, and which would confer the greatest benefit on the public at the least cost to individuals. He thought that these questions must be answered unfavourably for the present applicants, the Great Western Rail-way Company, for their proposed line would cut up a great tract of cultivated country, and be highly inconvenient, and unnecessarily inconvenient with respect to the personal residences of a great body of landed proprietors. He was convinced that this proposed line would not be productive of the good supposed, and that all the proposed advantages might be secured by the other plan, and therefore he should decidedly oppose this Bill. He moved that it be read a second time this day six months.

The Earl of *Radnor* supported the Bill; in his opinion all the objections urged by the noble Duke ought to be considered in Committee, and not at that stage of the Bill. He recommended their Lordships to let the Bill be read a second time, and to consider the objections in detail, when they went into Committee on the Bill.

The Earl of *Carnarvon* said, that if their Lordships saw reason to decide against the principle of this Bill, they would not allow it to be read a second time. Now he thought he could show them that the principle of the Bill was objectionable. He knew that when public interests absolutely required it, private interests must give way; but when that was not the case private interests ought to be respected. He thought it was clearly established that what was now proposed to be done might be done with less disadvantage to private interests than by the proposed Western Rail-way Road. He agreed with the noble Lord who moved the Bill, that it was impossible to prevent rail-road communication, but he thought that they ought to be sure that the best plan was proposed before they gave their sanction to it; and certainly they ought to take care that they did not sanction the worst. Now, the noble Duke who preceded him had shown that there was another line of road by which goods might be taken down to be loaded on board of ships ready for sea, almost without risk and without the charges that must be incurred if the proposed western line of road were adopted. In his opinion, every great rail-way which communicated with the western part of the kingdom should abut upon the Thames. The Great Western Rail-way Company had thought so last year, and had deemed it of so much importance, that they had pressed it upon the Legislature, and were only diverted from it by the decided resistance of the parties who were interested in the property which must be affected if such a plan were carried into effect. They were ready to lay out the enormous sum of 800,000*l.*, to secure that object, yet now they abandoned it—it formed no part of their present Bill, and in that respect their Bill was in his opinion decidedly defective. That point alone seemed to him a sufficient reason for rejecting the Bill, for the railroad, without such a communication, was unquestionably imperfect. There was another reason why he thought the Bill ought to be rejected. There were already two lines of road—the Southampton line, and the Basing and Bath line, and these running to a considerable distance in the same direction with the proposed line of the Great Western Rail-way, the competition between them, if the last should be sanctioned by the Legislature, would be too great for them all to bear. The individuals connected with these Companies would be ruined, without, as it seemed to him, securing any adequate advantage to the country. On the contrary, he believed that the public advantage would be better secured by adopting the course recommended by his noble Friend (the Duke of Buccleugh); and without some great public advantage being obtained, he should certainly object to a plan that would unnecessarily cut up an extensive line of cultivated country, and seriously interfere with the enjoyment of private rights.

The Earl of *Malmesbury* said, that after hearing the statement of the promoters of this measure, he felt great difficulty in supporting the second reading of the Bill: nay, he had made up his mind to oppose it. The inconvenience and evils arising to men who had a line of rail-road traversing their property, it was needless for him to describe to their Lordships. But the question was whether they must submit to a minor evil, in order to obtain a major good. In deciding this question their Lordships should bear in mind who were the parties that opposed the Bill. No less than 170 landowners, over whose property this line of road was proposed to run, and who constituted four-fifths of the whole number whose land would be affected by this measure, were opposed to it. But it was said, these facts could be ascertained in Committee. But were their Lordships aware of the expense of a Committee? It would cost many thousands of pounds; and out of whose pockets was this sum to be paid? Out of the pockets of the poor landholders and that at a time when it was more difficult for them to raise 1*l.* than it was to raise 5*l.* a few years ago. One argument which had been urged in favour of this measure was, that it would do good to Ireland by facilitating the importation of Irish produce into this country. Now he was one who wished well to Ireland, and was as anxious to maintain our connexion with that country as any man; but at the same time he did not think it was sound policy to attempt to promote the interests of the Irish at the expense of English landholders. This, however, would be the inevitable effect, if further encouragement were to be given to the importation of Irish agricultural produce into this country. Another reason why it was not expedient to go into Committee was, that the evidence which had already been taken, clearly made out a *prima facie* case against the promoters of this Bill, and in favour of the line of road.

Lord *Wharncliffe* replied. He put it to their Lordships whether the different arguments and statements addressed to the House on this Question, did not imperatively call for a Committee? All that he could do, were they not to go into Committee, would be to give a flat denial to the statements made by his noble Friends who opposed the Bill. Let them, then, go into Committee, and hear the evidence on both sides; and if his noble Friends made out a case against the Bill, then he would say, let the Bill be rejected. The was the only course that reasonable men could pursue; much more, therefore, did it become Legislators to adopt it. This noble Earl had said, that the Basing Company had established, by evidence, the fact that their proposed line of road was preferable to the one laid down by the Western Rail-road Company. Now it was worthy of remark that an offer was made by the promoters of this Bill to those who opposed it, to submit the two lines of road to three eminent engineers to say which was the better line of the two, and to act upon their decision, but this offer was refused by the Basing Company. It should be remembered, also, that the subscribers to the Basing Company were strangers to that part of the country, and came from a distant part of England, while, on the contrary, the Western Railway Company was supported by the inhabitants of the neighbourhood of the line, and by the authorities and merchants of the city of Bristol. These were facts which he had been assured were, and which he believed to be, true; and it was for the other party to show that they were false. This could only be done by a full inquiry before a Committee.

Their Lordships divided. Contents 46; Not Contents 34; Majority 12.

HOUSE OF COMMONS,

Wednesday, June 10, 1835.

Minutes.] New Writs ordered. On the Motion of Mr. James Oswald, for Ayrshire, in the room of Richard Alexander Oswald, Esq., who has accepted the Chiltern Hundreds; also for the Borough of Ipswich in the room of Messrs. R. A. Dundas, and F. Kelly, whose Election was declared to be null and void.

Bill. Read a second time. Instruments of Sasine (Scotland).

Petitions presented. By Mr. William Duncombe, from two Places, for Protection to the Irish Protestant Church; from Northallerton and Leyburn, for Relief to the Agricultural Interest; from Bedale, against Allowing Beer to be drunk on the Premises in Beer-houses.—By Mr. Ewart, from a Society for the Protection of Trade in Liverpool, against, and from the Debtors Confined in Lancaster Castle, in favour of, the Imprisonment for Debt Bill; from Prescott, in favour of the Irish Church Bill.

Agricultural Distress.] Mr. *William Duncombe* presented a petition from Richmond, Yorkshire, very numerously and respectably signed, by landed proprietors and landholders connected with the Agricultural Society of the North Riding of Yorkshire. The petitioners expressed their discontent at the House not having taken into its consideration the distress under which the agricultural classes laboured. He gave his cordial concurrence to the prayer of the petition and, joined with the petitioners in expressing regret that their distressed state had not been taken into consideration. Year after year the agricultural classes had come forward with statements of their distress, with the view of obtaining some measures of relief. He had felt it his duty to give his vote in favour of the Motions that had been brought forward upon this subject during the present Session of Parliament. He had given his votes without any reference to party feeling. He had supported the Motion of the noble Marqess the Member for Buckinghamshire for the Repeal of the Malt-tax, because he believed that it would have been a boon not only to the agricultural classes, but also to those other classes that had been alluded to as partaking of that distress, namely, the labouring classes. He regretted that Members had been influenced by the fear of a Property-tax being imposed from voting for the Repeal of the Malt-tax, which would, in his mind, have essentially relieved the productive and industrious classes. He had also supported the Motion of the noble Lord for the revision of local and general taxation, and, lastly, he had supported the Motion of his hon. Colleague (Mr. Cayley) to inquire into the distress affecting the agricultural classes as connected with the present monetary system. He regretted that the Chancellor of the Exchequer was not in his place, but he trusted that when the right hon. Gentleman brought forward his budget, he would not follow the example of the noble Lord his predecessor, who, on coming down to that House with his financial statement, and in communicating his proposed measures of relief, had thought it consistent with his duty to pass over the agricultural interest, and relieve other classes which were represented to be in an unexampled state of prosperity. He did not grudge these other classes the relief that had been afforded them, but he thought it contrary to the principles of sound justice and fair dealing to pass over the agricultural interests and refuse to relieve them. He hoped hon. Members would not shut their eyes to the deplorable state of the agricultural classes, knowing how much the welfare of all the other classes depended upon them, and that the House would not refuse to lend its assistance in affording them that relief to which on every ground of fairness, sound policy, and justice, they were entitled.

SLAVE TRADE—ROYAL MESSAGE.] The hon. *George Byng* as Deputy Comptroller of the Household, reported to the House that an Address having on the 19th May been agreed to by the House, praying his Majesty's interference with his allies for the prevention of the slave-trade, his Majesty had most graciously received the Address, and returned the following answer:—"I have received your dutiful Address, containing the expression of your wishes, that I should enter into negotiations with my allies, for the more effectual extinction of the traffic in slaves. You may be assured, that I fully share your regret at observing, that this nefarious traffic still continues to be carried, on extensively under the flags of Foreign Powers. Additional treaties, having for their object the extinction of the traffic in slaves, have recently been entered into between myself and some Foreign States, and I hope to be able to lay them before you at an early period. I am further engaged in negotiations with other Foreign States, on the principles recommended in your Address; and you may rely on my continual efforts to conclude with all my allies arrangements, calculated to put an end to this barbarous practice."

The Message was brought up, and ordered to be entered on the Journals.

DOWN PETITION.] Lord *Castlereagh* rose, pursuant to the notice which he had given, to present to the House a Petition which under any circumstances, would call for the serious attention of that House. The present times and the peculiar situation of Ireland rendered it, he must say, a duty incumbent on the part of that House to look at the expression of public feeling contained in this petition with earnest and grave attention; and however unwilling he was at any time, more especially on a hot day like that, to take up the time of the House, he feared he would not be discharging his duty if he did not trespass at some length upon their patience. The duty which he had undertaken was one of a most important nature, and never in his life had he experienced more pride than in being selected by so large a portion of his fellow-countrymen as the medium through which their opinions were to be conveyed to that House on a subject of such great importance as that to which the petition referred. The petition was from the county of Down on behalf of a meeting held in that county on the 30th of October last. The noble Lord said he wished to explain in the first instance why it was, that this petition had not been presented at an earlier opportunity. After it was adopted a dissolution of Parliament took place, and the new Parliament did not meet until February. It met, too, under circumstances very different from those under which the former Parliament sat, and which circumstances had excited the feelings and the fears of the promoters of this petition. The petitioners, at the time they assembled, felt that the Government of that day did not employ the power which it possessed to vindicate the law, or to protect the interests of the Church of Ireland. Under such circumstances the Protestants of Ireland hailed with joy and satisfaction the accession of the right hon. Baronet (Sir Robert Peel) to power, and they found when he was removed that they had not vainly put their trust in him, for he had staked his station as Minister of the Crown for the preservation of their rights. This petition, therefore, would have been presented earlier in the Session, but that on consulting the leading persons engaged in getting it up, he found that it was their opinion that its presentation should be delayed, as at that time the right hon. Baronet (Sir Robert Peel) had sufficient difficulties to contend against without his Friends bringing forward anything that might embarrass him. The petitioners were strongly opposed to the Board of Education established in Ireland, to which he would venture to say that 19-20ths of the Protestants of Ireland were hostile. But when Parliament assembled in February last, they felt that that was not the time to urge their complaints, and that when matters of greater moment were in the balance, it was not their business to embarrass the King's Government. With respect to the petition itself, he would state that the requisition to the High Sheriff for calling the meeting contained eighty-four most respectable signatures. Among them were the names of seven Peers, thirteen Deputy Lieutenants, and twenty-five Magistrates. Among them were the names of the Marquess of Downshire, the Marquess of Donegal, Colonel Ford, and several Reformers; in fact, nearly the whole weight and respectability of the county, whether property or anything else were taken as the criterion, were attached to the requisition. As it was not his wish to cast any personal reflections upon any Member of the House, he would confine himself to stating, openly and fairly, the facts connected with the petition. The meeting was called on the 30th of October. He was himself present, as well as many worthy Friends whom he then saw in the House; the Resolutions were passed, on which the petition was founded; and he was only stating that which was the real fact when he observed that the Resolutions were passed, and the meeting closed without violence or breach of the peace, and not a single circumstance occurred that called for interference. If, at a time like that, and in a county so quiet and undisturbed as Down, it was thought right to come forward, and express to the House the distrust and dismay with which the petitioners viewed the measures that were being carried forward by the Government, he would only ask the House whether, at the present time, the reasons which called for the petition last year were not increased tenfold? The hon. and learned Member for Dublin cheered him. He did not wish to say anything that would be offensive to any man, but he thought that he had a right to consider the hon. and learned Member as one of the leading persons against whom the petition was directed, and against whom his Majesty had directed his Speech last year. The noble Lord then read the passage in the King's Speech of last year, which he thought alluded to Mr. O'Connell, and said, that Sir Robert Peel's Government was now at an end; and he saw the hon. and learned Member for Dublin cross the floor of that House for the support of a Government composed almost of the same men who counselled that Speech. They were placed upon the seats opposite by the hon. and learned Member, and they fought under his green banner. This circumstance had given great and just alarm to the loyal and well-disposed Protestant inhabitants of the north, as well as to those of other parts of Ireland. He felt satisfied that the noble Lord opposite would not rise in his place and declare, as a noble Lord in another place had declared, that the Government had no connexion with the hon. and learned Gentleman, for in his (Lord Castlereagh's) opinion the influence of that hon. and learned Gentleman was all in all in the Cabinet. He believed that that hon. Member's influence was paramount at the present moment in the Cabinet. The hon. and learned Member had himself a few weeks ago talked of the measure of Corporation Reform "which we shall propose." With regard to Ireland, all the Irish legal appointments were obviously his—his mark was there—his handwriting was upon the wall. Every thing was done by the Government to conciliate that hon. and learned Gentleman, and conciliating him excited the fears of the Protestants of the north of Ireland, knowing as they did that nothing would come from him that would not be hostile to their dearest interests. Then, as to the disturbed state of Ireland, it was quite as great and as alarming as when this petition was adopted. It was but the other day that the reverend Mr. Dawson was murdered in Limerick, and indeed there was no opening a newspaper that did not contain accounts of some two or three murders in the south of Ireland. These things naturally filled the minds of the people of the north of Ireland with dismay and terror. Such feelings were not lessened by what occurred as to the procession which attended Lord Mulgrave into Dublin. There were green flags at that procession. There were flags (so he had heard) with "Repeal of the Union," "Daniel O'Connell for ever," inscribed upon them. There was a flag, too, with a harp without a Crown, the very flag under which the rebels marched to join the French in Bantry Bay. If there had been a procession of Orangemen on a similar occasion, with Orange flags inscribed with, "British connexion," "The Constitution for ever," &c., what loud outcries would have been raised against them. But because the procession to which he alluded had been got up and conducted under the auspices of the hon. and learned Member for Dublin, the King's Government were as mute as mice. There had just been sent forth an enormous petard by Lord Melbourne against the Orangemen walking on the 12th of July. He believed the Orangemen of Ireland to be as devoted, loyal, and gallant a body of men as had ever proved their affection to their King and country, and if they did not walk on the 12th of July, it would not be in consequence of this intimidating menace of Lord Melbourne (which, by-the-bye, came too late after the green flag procession in Dublin), but in consequence of the advice of their best and wisest friends. He was sure that the Orangemen of Ireland would act as they had always done, as became faithful and loyal subjects of the King. The meeting at which the Resolutions were agreed to, had been called an Orange one. He admitted that many of the Orange party were present; but there were also many present who had never belonged to that society. Amongst others there was one name which he felt convinced would command the attention of the House—he meant Dr. Cooke, a most eminent man amongst the Presbyterians of the north. The noble Lord read an extract from the speech of the reverend Gentleman. The noble Lord, after repeating that the reasons which existed for the adoption of this petition in October last, had now multiplied tenfold, concluded by presenting the petition.

The *Speaker* would for a moment request the attention of the House. The object of petitioning he had always understoood was either to express the opinion of the petitioners respecting some measure then under, or about to be under, the consideration of the House, or to convey to the House a complaint regarding some particular grievance. It had, therefore, been understood that general discussions should be avoided on the presentation of petitions. He did not particularly refer to the noble Lord, who was only following the example of others. If, however, on the presentation of a petition not only the subject matter of it but transactions that had occurred since its adoption should be gone into and a general debate should ensue, it would be quite impossible to get through the business before the House. At that moment he had on his list for that evening the names of thirty Gentlemen who had petitions to present. He could not interfere in the matter. It was for the House to decide what course should be pursued. He repeated, however, that if topics should be discussed on the presentation of petitions which would be more fitly discussed in some fixed debate, no time would be sufficient for the transaction of business.

Lord *Castlereagh* said, he seldom addressed the House, and he would not have trespassed so long on its attention on this occasion, but that the petition was a very important one.

The *Speaker* said, he had made no particular reference to the noble Lord, he had, on the contrary, said, the noble Lord was only following the example of others.

Mr. *Sharman Crawford* rose, but there being cries for

Lord *Morpeth*, the noble Lord rose and said that he had only heard a portion of the noble Lord's speech, but that he was perfectly ready to answer the statements which the noble Lord made in his hearing respecting the Irish Government. He did certainly intend in the course of the discussion to make that reply, but in consequence of what had fallen from the Chair he was induced to defer it to the first fitting opportunity that shuld offer itself. If, however, it was the wish of the House, he would proceed now.

Mr. *Sharman Crawford* being now called for, rose and said, that though this petition had been presented to the House as expressing the sentiments of the Protestants of the county of Down, he would venture to assert that it did not emanate from the Protestants of Down, nor express their sentiments. This same petition had been presented to the House of Lords as coming from 20,000 persons, and it now appeared that it only bore the signature of the High Sheriff. As seven months had elapsed since its adoption, surely more signatures might have been obtained for it, if it really expressed the sentiments of the great body of the Protestants and Presbyterians of Down. He was ready to accord to it all the weight and authority of the High Sheriff, whose name was affixed to it, but nothing more. This meeting was held at Hillsborough, on the verge of two other counties, Antrim and Armagh, and the place was obviously fixed on as being convenient for gathering together the Orangemen of those two counties, as well as the Orangemen of Down. If the meeting was intended to convey a fair expression of the feelings and opinions of the people of Down, why was it not held in the centre of the county, in the county town, where the county meetings were usually held? Two requisitions had been issued for calling this meeting—one came from the High Sheriff, the other from the grand dignitaries of the Orange lodges. The High Sheriff issued a requisition in the first place calling a meeting of Protestants. The Grand Orange Lodge of the county of Down at a meeting on the 6th of October passed a Resolution calling on all their brethren to attend the said meeting. Such being the avowed nature of the meeting, and such the requisitions calling it a large body of respectable Protestants in the county of Down, amounting to upwards of 200, and including ten Magistrates, published a protest assigning their reasons for not attending it. In that document they truly stated that it was highly unconstitutional on the part of a public officer, like a High Sheriff, to summon a meeting of any one portion of the inhabitants of his bailiwick, as distinguished by their religious opinions from another, and that such a proceeding was in direct opposition to those wise and benevolent measures passed by the Legislature for doing away with religious differences and distinctions as regarded civil rights. They also alluded to the Orange requisition, as stamping a character on the meeting that alone would prevent them from attending it. He was ready to admit the great respectability of many persons who attended that meeting; but he would contend that the great mass of the respectable inhabitants of Down were absent from it. The authority of Dr. Cooke had been referred to, but Dr. Cooke, it was well known, did not speak the sentiments of the Presbyterian body. At this meeting Dr. Cooke, in his speech, talked of a marriage between the Protestant Episcopalian and the Presbyterian Churches. The Presbyterians repudiated such an idea. From Dr. Cooke's own parish of Killileagh he had presented a petition, signed by a large number of Presbyterians, repudiating such a principle, and calling also for the abolition of tithes. The hon. Member having referred to the proceedings that took place at this meeting, and the heavy charges perferred at it against the Members of Lord Melbourne's then Government, asked, if such charges were well founded, why were they not brought forward in that House? If the noble Lord, believed them to be true, it would be a more manly course on his part—indeed, it was his bounden duty, to rise in his place in that House, and have the Ministers who were accused of such things called to the Bar of Parliament to answer for their conduct. That was the proper course for a loyal subject to pursue, instead of scattering such violent charges before a popular assembly. It was said that one of the objects of this party was to oppose the Repeal of the Union. He denied it. He would assert that the Orangemen had shown their readiness to raise that cry, but not on the honourable principles of the learned Member for Dublin. They had threatened Lord's Grey's Government with it, and several of them had been known in public to express their determination to repeal the Union by force, unless their objects were carried. The hon. Member read an extract from a speech of the reverend Mr. Martin, delivered, he said, at an Orange-Tory meeting in Dublin, in which the Speaker declared the Union had been fundamentally violated, and that it was at an end through the conduct of the Whig Government; that the authority of the United Parliament was virtually nonexistent—that there was an end to the authority of the laws, to the authority of tax-gatherers, &c. Were these men to oppose the Repeal of the Union.

Mr. *O'Connell* had been personally assailed, or at all events, alluded to, by the noble Lord who presented the Petition, and begged leave to make a few remarks on it. The noble Lord after having abused the late Whig Ministry himself, had charged him with having done the same. He did not dispute the goodness of his Lordship's taste in this respect; and a right hon. Baronet (Sir Robert Peel) had commenced the Session by reading a letter from him (Mr. O'Connell) in which he had stated that they had forfeited his confidence. Yet the noble Lord contended that the present Government, which was little more than a re-appointment, was under his (Mr. O'Connell's) control. This was a little too much; first, for party purposes, it was urged that the present Ministers were unworthy of his (Mr. O'Connell's) confidence; and next, for the same party purposes it was insisted that being appointed by himself, they had his fullest confidence. Such arguments (continued the hon. and learned Member) are both foolish and absurd; I do not mean any personal disrespect when I say so, but they are unbecoming the character of a Legislator, and, Heaven bless the mark! of a Statesman, which is the rank to which the noble Lord aspires. Then it is said, that all the recent appointments have been madeby me. The late Secretary for the Ordnance (Colonel Perceval) cheers me: I am sure I had as much to do with the recent appointments as I had with his appointment. He throws up his head at that: I am certainly very glad that he has ceased to fill that office, not from any personal dislike, but because it is symptomatic of a change of party. I deny that any office in the present Ministry, or connected with it, was filled at my instance or at my suggestion, or that I had the slightest influence in the matter. I am sorry that I had not: I think that some of the places would have been better filled if I had: at all events there would have been a difference, though I do not mean to quarrel with what has been done. With respect to the late Solicitor-General, for instance, I think he had a fair claim to have been made Attorney-General, but the Government decided otherwise, and I acquiesced. I acquiesced precisely as the late Secretary for the Ordnance acquiesced in his own dismissal—he could not help it. He submitted with all due humility and walked out of his office; he was, no doubt, the best of all possible secretaries, could he but have persuaded people to take his word for it; but as they would not, he took up his hat and walked out. After all, nothing can be so disreputable to party, as an indulgence in this sort of idle ribaldry. Let those who say the appointments were at my instance show me a bad appointment. Look at the Irish Law Officers of the Crown: is the appointment of the Attorney-General a bad appointment? Was he not at the head of his profession before he had any connexion with Government? Did he ever distinguish himself by partisanship? Did he ever do more in that way than putting his hand to a petition that the people of Ireland might all be on an equality? He was no agitator—no public declaimer: he maintained the integrity of his own opinions, and year after year felt the weight of exclusion: he ought to have been Attorney-General long since; and I will add, that he would be an ornament to the highest dignity in the profession. What objection can be made to the Solicitor-General? Is he not qualified? Has he not risen to the first business, though belonging to a proscribed class? He has risen by the force of his own talents; and the amiability of his disposition has compelled men of all parties to feel a regard for him in private life. Not being able to impeach the appointments, they throw me upon them; but, as I before said, this is too bad, coming from the noble Lord. He comes here with a deplorable lamentation about national education in Ireland—it is daily destroying Protestantism, and is calculated to annihilate it. If he now feels so anxiously about it, what has his conscience been doing ever since the 30th of October last? Did not the Government of the right hon. Member for Tamworth adopt that very system of national education? Yet then the noble Lord felt not the least alarm, The right hon. Baronet was the foster-father of the system; but then the child had not cut its teeth; and now the noble Lord comes forward, with all the dignified gravity belonging to his character, and declares that Protestantism will be annihilated by the right hon. Member for Tamworth's system of national education. All this is really very edifying; but there is something not at all edifying. Are the people of Ireland not to be allowed to meet and greet the Representative of their King, that Representative having been no partisan? Had there been a banner in the procession with "No Protestantism" inscribed upon it, then, indeed, there would have been ground for indignation—for impeachment of the Lord-lieutenant, for allowing it to be displayed. Yet I can prove that in the presence of the late Lord-lieutenant, a black banner, inscribed "No Popery," was exhibited. Had it been shown openly in Dublin, the party would perhaps have been roughly handled, for there the Catholics are about in proportion to the Protestants in London; but it was in the theatre, and there this "No Popery" banner was waved before the eyes of the late Lord-lieutenant. This, however, was only the expression of loyalty; but when the next Lord-lieutenant is received by 100,000 persons, this loyalty is instantly converted into disaffection. I remember the story of a man who was knocked down for singing "God save the King," and when he ventured to ask the reason, his assailant coolly answered, that "he liked no party tunes." "God save the King" is a party tune with the opponents of the present Ministers. But it seems there were banners—and why not? Is there any law against them? As a lawyer I utterly deny it. Banners, as the emblems of religious and political parties, are prohibited, but not when they are used to display allegiance to the Sovereign and respect for his Representative. If any offence was committed, surely the Dublin police would have been sufficient — the magistrates and barristers would have been sufficient. There would have been sufficient loyalty in a Dublin grand jury, appointed by those admirable loyalists the sheriffs, and sufficient loyalty in a Dublin special jury to have punished the criminals. Why, then, were not the offenders prosecuted? The truth is, that the different Trades' Unions carried their appropriate banners, and one of these happening to be green, excited the special indignation of party. The noble Lord had mentioned Bantry-bay, and talked of the Irish going to join the French there, when, had he known anything of the history of his own country, he would have been aware that not a man of the peasantry joined the French. A gentleman, a landed proprietor in the neighbourhood, of the name of O'Sullivan, and my nearest relation, at considerable risk and cost, made the only French prisoners, and the entire of the peasantry were against them. There were then no Orange Lodges in Munster; the people preserved their fidelity to the Crown until Orange Lodges began to be established; and as they increased, attachment to the Throne diminished, and to such a state of ferment would the people have been worked by them, had the late Ministers remained in office, that in nine months, I will venture to say, we should have had a sanguinary insurrection. If I am asked why I give my humble support to the present Government, I say it is not for their measures—for their measures they had my support before—but because they come in as a barrier against a faction, and give the people of Ireland a chance of justice; a chance that all Irishmen will be considered on the same footing, without leaving one party to the tender mercies of another. Their interposition has saved us. As to the meeting, nothing could be more improper; it was called by Lord Hillsborough, the High-Sheriff of the county, but he had no right to summon any particular sect. If he calls the Protestants to-day, he may call the Catholics to-morrow, and the Presbyterians and Seceders the next day. He constituted himself, not the sheriff of a county but the sheriff of a party, a partisan sheriff. And, sacred Heaven! let it never be forgotten, that this man has the nomination of the grand juries—that he makes out the panel of the petty juries; and are not the complaints of the Roman Catholics well-founded, when they say, that with such a sheriff, and such magistrates, they have not a chance of justice—that their lives will be the sport of their enemies—that their properties will be at the mercy of partisans? If the effect do not follow, does not the sense of insecurity, the fear that the temple of justice will be polluted—that the scales will not be held with an even hand—that one party will be made to outweigh the other, produce a constant feeling of irritation and discontent? The Roman Catholics are warranted in these fears when the High Sheriff summons one portion of the population of his bailiwick, to the total exclusion of the rest. That is the Sheriff's notion of loyalty; people are loyal as long as they support a certain party in their undue ascendancy—as long as they are allowed to raise one class and to crush another. The noble Lord has talked of outrages—of a gentleman who was shot, but we hear nothing of outrages on the other side; a relation of mine was shot at next to me, but we hear nothing of that, nor of the fourteen houses burnt by Orangemen in Armagh, or of the proceedings two years ago. In the county of Armagh, a Roman Catholic committed some assault upon an Orangeman; he was tried, convicted, and punished; but after fourteen houses had been burnt in the same county, there was no inquiry—nobody was arrested—nobody prosecuted, and the Roman Catholics saw their property destroyed with impunity. The evidence is before the House. Another instance:—A woman sheltered an Orangeman, who had been desperately beaten; she took him into her cabin. What has become of the cabin? Have the Protestants visited the woman in gratitude? No! in vengeance: her cabin was set on fire; but they did allow her to save her aged father, and to set him upon a dunghill, whence he was removed, and shortly afterwards died. What has been done with those who committed this offence? They are at large and secure—no magistrate finds them out, and no informer brings them to justice. Yet this is the party claiming exclusive loyalty, and to whom the noble Lord ludicrously attributes every other species of excellence.

Lord *Morpeth* said, as it was now impossible to stop the discussion, notwithstanding the laudable attempt of the Speaker, he would venture to make a few remarks, called for by what had fallen from the noble Lord, the Member for Down. Looking at the notice on the paper, he had concluded that the noble Lord would present the petition agreed to on the 30th of last October; but beyond giving his attendance from respect to an Irish subject, he (Lord Morpeth) had not expected that he should be required, in his official capacity, to take any part in the discussion. Nine months had passed since the meeting; and the petition was not directed against the present, nor the last, but against the antepenultimate government. The noble Lord had grounded his previous suspension and his present reproduction of the petition upon the change of circumstances; but, as had been already hinted, if the Protestants of the north of Ireland so heartily reprobated and viewed with such universal abhorrence, the system of national education, as fraught with ruin to their cause, it was strange that the noble Lord should so long have deferred it. It was certainly not easy to explain how he could reconcile to himself the postponement of the expression of this strong conviction while the late government was in office, which declared that it did not mean to disturb that system. He would leave all remarks upon the meeting in the county of Down to those who had more local knowledge; but he would say a few words on the procession of the Lord-lieutenant into Dublin, which had so much excited the animosity of the noble Lord. The thunders on the other side of the House having slept so long, was an indication that the noble Lord and his party did not think they could manufacture much of a storm. They did not rely much on the case they could establish, and a little delay might have supplied the means of exaggeration. The more he heard of the procession, the more he was convinced that there was nothing in it which brought it within the purview of the act passed against such as had a religious or political tendency. It could only be called a greeting given by the different trades of the metropolis of Ireland to the representative of their sovereign, who, they thought, was disposed to act upon principles that would benefit their common country. If, as was possible, there were some matters of difference—if one or two objectionable emblems or banners were displayed, some persons asserting that they saw them, and others that they did not—he was confident that they never attracted the attention nor met the eye of the Lord-lieutenant. Sure he was that nothing was intended on any side which could produce a line of demarcation between different religious denominations, but merely to add to the gaiety and glitter of the show. The noble Lord had expressed his hope and belief that the Orange lodges would not meet and walk in procession on the 12th of July; but laying as much stress as he did upon the loyalty of those bodies, it would have been more consistent if he had attributed their abstinence to a wish to obey the law, than to a disposition to take a hint or adopt advice. He (Lord Morpeth) was, however, too grateful for the result to quarrel with the motives from which it proceeded. The noble Lord had made an attack upon Ministers on the ground that the appointments, particularly the legal appointments of Ireland, had proceeded from the immediate inspiration of the hon. and learned Member for Dublin. That point had been already touched on by the hon. and learned Member, and he believed that what the hon. and learned Member had said had commended itself to the approbation of the House. On the fitness of those appointments he was always ready to bear his share of the responsibility. On the general question he had no hesitation in saying that this Government, like every other intrusted with the conduct of human affairs, did not repudiate any support constitutionally, fairly, and openly given; on the other hand, it courted no aid excepting on the ground that its measures were calculated to promote the happiness and welfare of the country. No improper measure and no unworthy concession should ever be produced or made by Ministers for the sake of gaining a temporary advantage. Their object would be to administer the law in a kindly spirit, but above all to administer it impartially.

Sir *Robert Bateson* said, that as having been one of those who had signed one of the requisitions to which allusion had been made, and as possessing a very considerable property in the country from which this petition emanated, he hoped the House would indulge him with their attention whilst he made a few observations: The cause of the meeting in question was simply this—that a great many of the Protestants of the county (and by the word Protestant he did not confine himself to those persons who professed to be members of the Established Church merely), a great many Protestants who protested against the fallacy of the Church of Rome, felt themselves aggrieved; they felt that even-handed justice was not dealt out to them—that their enemies were promoted before them—that their liberties and constitutional freedom were at stake, and they met constitutionally to protect themselves. With regard to the observations of the hon. Member for Dundalk (Mr. S. Crawford), who had addressed the House, he begged, with all deference, to differ from him. That hon. Gentleman had stated in the first place that the petition was not that of the Protestants of Down, as it was only signed by the High Sheriff. He then asked why that petition was not signed by all the parties present at the meeting? Now his (Sir Robert Bateson's) answer was, and the fact must be obvious to the House, that as the meeting was composed of 50,000 persons, it was impossible, in the month of October, at the conclusion of the business of the day, and when men had come, many of them twenty miles, to attend the meeting, to effect this. It was therefore agreed upon as the opinion of the great mass of those who attended, that the High Sheriff should sign the petition in the name of the meeting, as their organ, and in his opinion (Sir Robert Bateson's) the proceeding was legal and constitutional. Several taunts and insinuations had been thrown out against his noble Friend, the late High Sheriff of the county, by the hon. and learned Member for Dublin. But with due deference, he begged to tell that hon. and learned Gentleman, that the character of his noble Friend was too well known to be in danger of being damaged by any assertions about his Orangeism, his packing juries, his denial of Roman Catholic rights, and privileges, and justice, or sanctioning outrages. All these charges would fall harmless on his noble Friend, as other calumnies equally vile and false had done upon those who did their duty to their country. The hon. Member for Dundalk said, this petition did not speak the sentiments of the Protestants of Down, for that 200 persons, including eight or ten Magistrates, had declined signing the petition. He gave him credit for the fact as far as it went. The hon. Member had stated, too, that the people were driven into the town by their landlords, as they were at the time of elections. This was the first time he had ever heard of such a circumstance ever taking place at elections; it might perhaps happen at Dundalk, but not in Down, certainly. On the contrary he would declare, that no exertion whatever which could have been made would have prevented the people from coming forward, even from a distance of twenty-five miles. They came forward as free and unbiassed persons to give their opinions on the state of affairs in the North of Ireland.

There never had been more decorum preserved at any meeting. He believed that not a blow was struck in the whole course of the proceedings. He defied any hon. Member to prove that any charge was brought forward of assault at the subsequent Petty Sessions. He had heard, indeed, that party feuds had been excited by this meeting, but he did not believe it. The Protestants met quietly, and they met the Roman Catholic with the same good-will as they had ever done on the following day; not an Orange riband or symbol was there displayed. The people came there as peaceable loyal subjects to express their opinion openly and constitutionally. If the meeting were an illegal one, why did not the Magistrates treat it as such? With reference to the argument of the noble Lord and the hon. and learned Member for Dublin, who, in speaking of the Dublin procession, attempted to draw a distinction between religious and other meetings, he thought it was hardly possible to deny that the procession in question had a religious character. When the hon. and learned Member for Dublin attended the reform meeting at the Corn Exchange, he proclaimed his orders that persons should go to the chapels, and that the people should be warned to attend the meeting. Places of worship then were made use of to collect the meeting. What would be said if the Protestants had gone to the Presbyterian and other places of worship to do the same thing? Again that procession was accompanied by party flags, and he declared that he had seen at least twenty green flags, and in his opinion there were none but green flags there. Perhaps his noble Friend (Lord Castlereagh) would have been more correct in saying that the green flag was the symbol of rebellion at Vinegar Hill than of the persons who went to Bantry Bay to welcome the French. In his opinion it was almost impossible for the Lord-lieutenant not to have seen those flags if he did not shut his eyes, seeing that they were displayed during a march of two or three miles. The procession had a national band too, for whom the castle band was compelled to stop, while this national band played under the castle windows. Some blame had been cast on the former Lord-lieutenant because a flag had been exhibited at the theatre, but how could the Earl of Haddington have prevented that? He had seen the procession which accompanied that noble Lord from Dublin to the sea-side, at which ninety-nine out of 100 of the respectability, of the rank, and intelligence of the city of Dublin were congregated. Considering the talents of the hon. and learned Member for Dublin, and also that that hon. and learned Gentleman was an Irishman, he would say he would much sooner see that hon. and learned Gentleman filling the office of his Majesty's Attorney-General for Ireland than being, as he was now, "Master of the puppets." The hon. and learned Member would then be open to the opinions of the country, and it would not, in such a situation, be in his power to go beyond the law. The situation of that hon. and learned Member was unexampled; for he had the whole power of the country in his hands. With respect to the subject of education, the noble Lord had sneered at some Members, as if they had been guilty of a dereliction of principle upon this point. He did not know to whom the noble Lord alluded, but this he would say, that his opinions on the subject had never changed, no matter upon what side of the House the noble Lord might sit.

Mr. *Sharman Crawford*, in explanation, denied that the petition was from the county of Down. There was a protest entered into against the meeting, which was published in the papers on the very same day that the resolutions agreed to at the meeting were published.

Mr. *Ronayne* wished to notice this one fact—that at this meeting it was not attempted to propound one single resolution in support of Tithes as they at present stood. He took the opportunity of giving his unqualified contradiction to the statement made by the hon. Baronet opposite (Sir R. Bateson)—namely, that in the Castle-yard the band had been stopped in order that an opportunity might be given of making the display alluded to. He was an eye-witness upon the occasion, and he could give a most distinct contradiction to the statement.

The debate was adjourned.

ENNIS ELECTION COMMITTEE.] Sir *Robert Heron*, as Chairman of the Ennis Election Committee, said, that he had been directed by the Committee to report to the House, that the Committee had met that morning, but in consequence of the absence of General Palmer, one of the members of the Committee, they had been obliged to adjourn their proceedings until to-morrow. The hon. Baronet added that they had endeavoured to find the hon. and gallant Member, but were unable to do so.

It was ordered that General Palmer do attend to-morrow.

IPSWICH ELECTION.] Mr. *Patrick M. Stewart* brought up the Report of the Committee appointed upon the subject of the Ipswich Election. He was directed by the Committee, to inform the House that the Committee had, after due consideration, come to the following Resolutions:—

"That the Resolutions of the 14th of April be rescinded.

"That Robert Adam Dundas, Esq., and Fitzroy Kelly, Esq., are not duly elected, and ought not to have been returned to serve in the present Parliament for the borough of Ipswich.

"That the petition of Robert Ransom and others does not appear to have been frivolous or vexatious.

"That the opposition to the said petition does appear to be frivolous and vexatious.

"That Mr. John Brown and others had been struck off the roll, it having been proved that they were not entitled to vote.

"That Robert Adam Dundas and Fitzroy Kelly, Esqrs., were, by their friends and agents, guilty of bribery and corruption at the late election for the borough of Ipswich; and that Arthur Robert Cooke, J. B. Dasent, John Pilgrim, and others were guilty of bribery at the said election.

"That J. B. Dasent, A. R. Cooke, R. B. Clamp, and John Pilgrim, were guilty of absconding, to avoid being served with the Speaker's warrant; and that J. E. Sparrow and John Clipperton, the avowed agents of the sitting Members, and F. O'Mally, Esq., one of the Counsel employed by the sitting Members, aided and abetted them in keeping out of the way to avoid giving evidence before this Committee.

"That the said John Pilgrim having at length been served with the Speaker's warrant, was prevented attending on this Committee by being arrested on a charge of embezzlement by Messrs Sewell, and Blake, under very suspicious circumstances.

"That the conduct of the Magistrates, Samuel Bignold, Esq. and E. Temple Booth, Esq., before whom he was charged, appears to this Committee to be a breach of the privileges of the House."

The hon. Member then said, that he had been further directed by the Committee to call the attention of the House to the peculiar hardship under which some of the voters, who had been struck off the poll-books, laboured. The Committee had divided the voters struck off into three different classes, according to the circumstances of each case. The total number struck off was 21. Of these, 13 were voters whom the Committee had resolved should be struck off, because they had not been duly registered upon the poll-books. He was directed to call the attention of the House to the hardship to which these thirteen were exposed in consequence of the resolution come to by the House in June, 1833. From that resolution the Committee had no choice left but to strike those votes off the roll; and the consequence would be, that those voters, for no fault of their own, would be unregistered as well as struck off the roll.

Mr. *Gisborne* suggested to his hon. Friend, the Member for Lancaster, that it might perhaps be right that he should state, what further steps he meant to take in regard to the representation of Ipswich?

Mr. *Patrick M. Stewart* said, that the question was easily answered. He meant to move that a new Writ be issued for the election of Representatives for that Borough.

Mr. *Gisborne* then said, that a case, which he believed to be analogous to the present, had occurred in 1827—he meant that of Penryn, in which Mr. Leigh Keck, who was the Chairman of the Committee who sat upon that election, reported that John Stanbury, having been summoned to attend to give evidence before the Committee, had not attended, and that it appeared he had absconded, and he therefore moved that John Stanbury be taken into custody, and that the Speaker do issue his warrant to that effect. He suggested that, in the present case, the same course should be pursued by the House that had been pursued in the case of Penryn. With respect to one class of the offenders—he meant those who had absconded in order that they might not be called upon to give their evidence before the Committee—the difference between the case of Penryn and the present case was, extremely slight. The only difference was that in the Penryn case, John Stanbury had been served with the Speaker's warrant, and had afterwards absconded; but in the case now under consideration, J. B. Dasent, A.R. Cooke, R. B. Clamp, and John Pilgrim had been guilty, as appeared from the Report made by the Committee, of having absconded in order to avoid being served with the Speaker's warrant.—

He did not suppose that the House would consider that the offence committed by the offenders in the present case was less than that committed by Stanbury. It would not be considered a less offence to have successfully avoided the Speaker's warrant, than to have absconded after having been served with it. He would therefore suggest to his hon. Friend, that he ought at once to move that J. B. Dasent, A. R. Cooke, and R. B. Clamp should immediately be taken into custody. With regard to John Pilgrim it seemed that he had since appeared before the Committee and had given evidence. He might, therefore, be said to have purged himself in some degree from the effect of his previous fault. He should therefore suggest, that at present only J. B. Dasent, A. B. Cooke, and R. B. Clamp, should in the meantime be taken into custody.—There were other parties who were also implicated by the Report of the Committee which they had heard read. The Report stated, "That the conduct of the Magistrates, Samuel Bignold, Esq., and E. Temple Booth, Esq., appears to this Committee to be a breach of the privilege of the House." He was aware that there was a difference between these parties and the parties of whom he had formerly spoken; still he thought that the Report of the Committee in regard to these Magistrates rendered it indispensable to bring them to the bar of the House, in order that they might meet the charge brought against them by the Committee. He hoped, therefore, that his hon. Friend, the Member for Lancaster, in his capacity of Chairman of the Committee, would consider it his duty to move, that the Magistrates, Samuel Bignold, Esq. and E. T. Booth, Esq. be taken into custody, or that some independent Member would take the case up, if his hon. Friend thought fit to decline doing so. [*Cries of* "*Move.*"]—If his hon. Friend declined moving in the matter, he (Mr. Gisborne) should certainly consider it his duty to move "That Samuel Bignold, Esq., and E. T. Booth, Esq. be also taken into custody." There were other parties who were implicated in this matter. The Committee reported in regard to Messrs. Sewell and Blake, that "John Pilgrim having at length been served with the Speaker's warrant, had been prevented from attending on the Committee, by being arrested on a charge of embezzlement by these parties, under very suspicious circumstances." He did not think that in respect to Messrs. Sewell and Blake, the charge brought against them was sufficiently explicit and distinct to warrant their being taken into custody; but he should consider it his duty also to move that they be summoned to attend at the Bar of the House.

Mr. *Patrick M. Steward* was not sure that it properly devolved upon him, as Chairman of the Committee, to make the Motion alluded to by his hon. Friend the Member for Derbyshire. He had no instructions from the Committee regarding any Motion for the arrest of the witnesses. He would, therefore, for the present, simply move, "That the Minutes of the Evidence taken before the Committee be laid upon the Table of the House." Having brought the subject under the notice of the House, he would rather leave it to his hon. Friend to make the Motion which he had proposed if he thought proper to do so; and he would leave it to the House to consider whether the Motion should be acceded to. With regard to the proposition of his hon. Friend, that the conduct of the Magistrates should be taken into consideration he thought it a little premature.

Mr. *Gisborne* said, that he should also move that P. F. O'Mally, J. E. Sparrow, and John Clipperton, who had aided and abetted the witnesses in keeping out of the way, should also be taken into custody.

Mr. *Roebuck* begged to ask why the hon. Member had omitted the sitting Members, who had been reported as being guilty, through their agents, of bribery and corruption.

Mr. *Gisborne* wished strictly to follow the course adopted in former cases of the same kind. The hon. Member would find that in all former cases, where Members were placed under similar circumstances with Messrs. Kelly and Dundas, the House had always postponed any proceeding against them until after the minutes of evidence were before the House.

The *Speaker* having read the Motion from the Chair, "That the Minutes of Evidence taken before the Committee be laid upon the Table of the House."

Mr. *Cressett Pelham* said, that he rose to second the Motion stated by the hon. Member for Derbyshire. He thought the present a case well worthy the attention of the House.

Mr. *Harvey* said, that the Question

which the House had to consider at present was simply, that the evidence taken before the Committee be laid upon the Table of the House, and with a view to guide the House as to any ulterior proceedings which it might be considered proper to take—if it should so happen that after seeing the evidence, the House should consider ulterior measures necessary. It was not, therefore, his intention to give any opinion upon the merits of the case at present.—But his purpose in rising was to ask a Question in strict connexion with the Motion before them. It appeared that one of the sitting Members had appeared before the Committee, and made several statements containing strong views of the Question before the Committee, and that the hon. and learned Gentleman had appealed for the veracity of what he said to his honour as a gentleman, and a professional man. It had been stated that there were correct short-hand notes of that statement. Now, he (Mr. Harvey) thought that it would be an act of justice to the hon. and learned Gentleman, and that it would likewise guide the House in coming to a proper judgment upon the subject, if this statement was laid upon the Table of the House along with the evidence. He thought it would be but an act of fairness to the hon. and learned Member if he was allowed the benefit of his address.

Mr. *Patrick M. Stewart* was not aware that there was any precedent for such a course, but he would leave the subject to the sense of the House.

Mr. *O'Dwyer* asked, if there was a report of the speech?

Mr. *Patrick M. Stewart* said, that there was no authorized report.

Mr. *O'Dwyer* said, that if it was consistent with the rules of the House, he would beg leave to move as an Amendment, that there be laid upon the Table of the House, the minutes of all the evidence taken before the Committee, and also a transcript of all statements and legal arguments made use of by Mr. Kelly.

Mr. *Robinson* believed, that there was no instance of any statement made by Counsel being laid before the House.

Mr. *Sheil* begged to ask the noble Lord (Lord John Russell) whether he intended to continue Messrs. Bignold and Booth in the Magistracy?

Lord *John Russell* was understood to say, that as the guilt of the Magistrates depended on the evidence, he could not determine until he had seen that.

The *Attorney-General* reminded the hon. and learned Member, that the Magistrates in question were not appointed by the King, but by the Corporation of Norwich, in virtue of their office.

Sir *Robert Peel* said, that it would be but justice to suspend all discussion upon the case until after the evidence and the minutes of the proceedings were before the House. The hon. Member for Derbyshire proposed to deprive the persons mentioned in this Report of their liberty, without any evidence being before the House. He would suggest, that they ought not to prejudge the case by such a course of proceeding. The hon. Member ought, either then, or on some future occasion, to give notice of the Motion which it was his intention to make. In his opinion the House ought not to exercise its authority in ordering these persons into custody without due consideration. The case of Stanbury, which had been alluded to was different from the present. Stanbury had been served with the Speaker's warrant to attend, and had afterwards absconded. Surely the House would not say, that the witnesses in the present case, who had never been served with the warrant, were upon the same footing with a person who had been served with the Speaker's warrant, and who had absconded in order that he might not be forced to obey it. At least before the House came to a resolution which involved the loss of liberty to the persons implicated, it ought to have some evidence before it to show under what circumstances the act of absconding had taken place. Was it certain that avoiding a Speaker's warrant was punishable? All that he asked was, that the House would give time for the consideration of the subject, and that it should not act upon the Report of any Committee, but upon evidence before it as to the guilt of parties, and the degree of punishment to which they should be subjected.

Lord *John Russell* observed, that when he had formerly said, that they ought to take more time to consider the matter, he did not mean that observation to apply to the case of the witnesses. He thought that the practice had always been, where a Committee had made a Report inculpating parties, that the House immediately ordered them into custody, lest they should abscond. He thought the House had a right to compel the attendance of witnesses, and order them into custody if they did not attend.

Sir *Robert Peel* said, that the noble Lord had misunderstood his meaning. He agreed with the noble Lord, that the House had a right to compel the attendance of witnesses; but what he doubted was, whether these persons could be considered in the character of witnesses, never having been served with a summons. They ought to remember that these persons had left the country before they had been served with a warrant, which they might perhaps be entitled to do. Let it be admitted that these persons did abscond, surely the general principle of law should prevail in this case. He was satisfied that the opinion of the hon. and learned Attorney-General was in unison with his own as to the law of the case, namely, that in the case of a man—not summoned but against whom there was a strong presumption, that he had absconded to avoid being summoned, that the Courts of Law would not order him into custody.

Mr. *Patrick M. Stewart* wished merely to state, that it came out in the course of the evidence, that the persons alluded to absconded to avoid being summoned to attend before the Committee. They had met previously together at Ipswich, and resolved at the suggestion of some of the agents, not to attend any inquiry that might take place in that House respecting the election. This came out in evidence; and he left it to the House to form its judgment in the matter.

Mr. *Blackstone* was anxious to set the House right on one point. The persons who had been alluded to had left the country before any petition had been presented to the House complaining of the election.

The *Attorney-General* thought, that the House should consider these persons to have placed themselves in the situation of having been already summoned. The Committee had reported, that they were of opinion, that these persons had absconded to avoid having the Speaker's warrant served on them. It was obvious that these persons must have known that they were to be summoned before the Committee. They must have known that they were material witnesses—they must have known that their evidence was of importance in enabling the Committee to arrive at a conclusion; it was, therefore, their duty not to have absconded. With respect to what had fallen from the right hon. Baronet, he would only observe, that that House was not accustomed to adhere to the mere technical rules of law which were enforced by the Courts of King's Bench and Common Pleas. In these Courts, in the case of a witness not appearing, and before proceedings could be taken, it would be necessary to show that a copy of the subpœna had been served on him, and also that the original had been shown him at the same time. The House, however, had never deemed it necessary to adhere to these technical forms. If the House saw clearly that there was a deliberate attempt to defeat justice, and to prevent the investigation before the Committee, the House ought, in his opinion, to pursue the course suggested by his hon. Friend, the Member for Derbyshire. He allowed that it was a great stretch of power to take a person into custody who had not been before the Committee, and who had not even been served with a summons to go before the Election Committee; yet good reason for so doing had been shown in this case, and the House was fully justified in acting on the Report of the Committee. He admitted that it might appear the more regular and equitable mode of proceeding, to summon these parties to appear and show why they had left the country to avoid the Speaker's warrant; but this was a very strong case, and had been fully proved. He was clearly of opinion, that persons keeping out of the way to avoid the service of the Speaker's warrant were guilty of a breach of the privileges of the House. He could not see any substantive distinction between a person having the Speaker's warrant in his hand, and getting out of the way to avoid it, knowing that it would be put into his hand. He was therefore of opinion, that although it might be acting on a strong prrnciple to take a person into custody who had not been heard, and that it might appear more regular to summon him, still under the circumstances of the case, they were justified in taking the parties into custody at once. The case of Stanbury went the full length of justifying the course recommended by the hon. Member for Derbyshire.

Sir *William Follett* could not but observe, that the subject under discussion had no immediate reference to the question then before the House. The question was whether the minutes of evidence taken before the Committee should be laid on the Table of the House. It was not for the House then to say that those persons had been guilty of a breach of privilege; indeed, he hardly thought this could possibly be done until they were enabled to form an opinion on the subject, by having had the evidence laid before them. It might be, as his hon. and learned Friend had stated, that certain persons, whose evidence was material to the inquiry, had been together, and had entered into an agreement together to abscond and avoid the service of the process of the House. It might be right for the House to proceed according to the mode recommended, although, as his hon. and learned Friend had stated, the Courts of Law would not do so. It might be a very strong case, as his hon. and learned Friend had stated, but he would ask whether it was not a very harsh and severe proceeding to order persons to be taken into custody without hearing anything of the evidence against them, and without hearing anything they might say in their defence. He was called upon by the hon. Member for Derbyshire, to agree to order these persons to be taken into custody upon the presumption of proving what is alleged to have been proved before the Committee, namely, that they went abroad to avoid being summoned before the Committee. In justice to the liberty of the subject, the House of Commons should not proceed to such an extreme case until they were made acquainted with the grounds on which the Committee had come to the conclusions which had just been reported. If after the minutes of evidence had been printed, such a case existed as had been stated by his hon. and Learned Friend, it might then be the proper time for the House to pursue the course now proposed by the hon. Member for Derbyshire. Surely they were not to proceed to order the arrest of those persons, and commit them to prison, without looking to the evidence, or without hearing anything that the parties might have to say in their defence. The Special Committee, appointed to inquire into contested elections had, by Acts of Parliament, certain powers delegated to them, but as far as the privileges of the House were concerned, they had no power to act. The Committee were empowered to report on certain facts, and their decision was final on these points, and the House uniformly acted upon it; they did not, however, delegate to the Committee such authority as to consider their decisions final on special circumstances attending cases. He would appeal to his hon. and learned Friend, whether his opinion was not correct on this point. He did not say that his hon. Friend was not right in the statement he had made; he did not say that the majority of the Committee was not right in the opinion they had given on it; but it appeared to him that a Select Committee of that House was just as likely to fall into error, as the same number of other persons. He, therefore, did not think that the House was bound by any conclusions to which such a Committee might come, but that the evidence should be laid on the Table, and placed in the hands of Members, before they came to a decision. If it should appear from the evidence laid before them, that a breach of privilege had been committed, he would agree that the proposition now made should be enforced, and the privilege of that House vindicated. With respect to the precedents alluded to in the course of the debate, he would only say a few words. He did not know of any other case that could be quoted as a precedent than that of Stanbury, and this did not altogether apply to the present case. The want of sufficient precedents was ample reason, in his mind, why they should not proceed prematurely. Indeed, he was not aware of the case of Stanbury, until it was stated by the hon. Member for Derbyshire, but it differed from the case before the House in this most important point, namely, that the Speaker's warrant had been served on Stanbury, and the Chairman of the Committee had also issued his summons, and yet he did not appear, while in the present case there was no evidence that the Speaker's summons had been issued. It did appear to him a very different thing for a man to be served with the Speaker's warrant and to disobey that warrant, and for one not to be served with it at all. In the former case the Chairman of the Committee, knowing that he had issued the warrant, and that the party had refused to obey it, might have stated these facts to the House, which might have been inclined to look for no further authority than the statement of the Chairman, that the party had refused to obey the warrant. But he could not agree with his hon. and learned Friend, that the House ought to act on the presumption that these persons absconded because they knew their evidence was of importance. Surely a man was not always bound to live within the jurisdiction of the House, and he thought it would be hard to deprive him of his liberty on the ground that he had been guilty of a breach of the privileges of the House, because he did not answer a summons which he might not know had been issued. He wished, therefore, that the Minutes of the Evidence should be printed, and then the House might be enabled to form a judgment on this part of the case, and afterwards to decide upon it; and then they might determine what ulterior measures they might pursue, either to institute a prosecution by the Attorney General, or to maintain their privileges in any other way that might seem most suitable to the circumstances of the case.

Mr. *O'Connell* could not help remarking on the inconvenience attending the present proceeding, namely, debating one question when another was before the House. The Question before the House was, whether the Minutes of Evidence should be laid on the Table, and they were all agreed on that point. He would suggest that that Motion should be put, as well as that for printing the Evidence, and then they could put the proposition of the hon. Member for Derbyshire. The Motion had been generally misunderstood. The question was, not that certain persons should be taken into custody for the purposes of punishment, but that they should be arrested, so that they would be amenable for punishment should they be found to deserve it. The House had presumptive evidence sufficient to warrant them in pursuing the latter course. If the parties were arrested, then they would be amenable to justice, and would have an opportunity of defending themselves against the Report of the Committee; and should the allegations adduced against them appear unfounded, of course they would be discharged. The Committee had jurisdiction in this matter, and after hearing evidence they concluded that those persons had wilfully kept away to prevent the service of the Speaker's warrant. They were better judges than the House could be of this fact, and it would be casting a reflection on the Committee if they did not admit the allegations in the Report. The hon. and learned Gentleman had talked of the value of personal liberty—undoubtedly it was of great importance—but there was another thing of higher importance, namely, taking care that those who chose the guardians of the liberties of the people were not corrupted; if they were, there was an end of liberty. Let them not appear to throw even a shade of doubt on the Committee, by agreeing to delay the matter.

Mr. *Wilks* thought that as the House would be inclined to visit with special indignation those who tampered with the integrity of electors, and were guilty of bribery, they should be anxious to proceed with caution and hesitation. He thought the enormity of the charge brought against the persons named in the Report of the Committee, was a sufficient reason for pausing before they resorted to strong measures. He was satisfied, if they acted upon the doctrine laid down by the hon. Member for Dublin, that they would establish a dangerous precedent. He said, that in ordering these persons to be taken into custody, they only did so to see whether they had or had not been guilty of an offence. The House had never hitherto acted on this principle, and he trusted that it never would. He thought the precedent quoted did not hold good in the present case. He suggested that further proceedings should be postponed, until the evidence was printed and in the hands of Members.

Lord *John Russell* rose to suggest, that they should postpone the debate on this subject until to-morrow. He thought that in all cases of this kind, they should have precedents before them; and if they postponed the matter for a short time, they would have all the precedents bearing on the case. Since the subject had been alluded to, he had found an analogous case, and he had no doubt others could be found. The case he alluded to was that of Camelford; and in referring to the votes of 16th June, 1819, he found the following special report: "That Wm. Hallett and others did corruptly endeavour to procure the return of two persons to serve in Parliament for the said borough of Camelford; and that the said Wm. Hallett has wilfully absconded, in order to avoid being summoned to give evidence before this Committee. Whereupon this person was ordered to be taken into the custody of the Serjeant-at-arms." He thought this was a case in point, but he trusted that his hon. Friend would not insist on their coming to a vote on the question to-night, but would consent to postpone it until to-morrow.

Mr. *Harvey* had been informed, that no other candidate had made a speech before the Committee besides Mr. Kelly; he had also found that the speech was taken down by the same short-hand writer as took the evidence. If the House did not afford Mr. Kelly the advantage of laying his speech before the House, he trusted that it would not be hereafter referred to with the view of adducing charges against him.

The *Attorney-General* was satisfied that it would be an extremely bad precedent to print the speeches of counsel. If they did so on one side, of course they must also do so on the other.

The Motion was agreed to.

The evidence was also ordered to be printed.

Mr. *Gisborne* rose to make the Motion of which he had given notice; but if it seemed to be the opinion of the House that it should be postponed, he would consent to do so, although he did not see what advantage would be gained by pursuing such a course. He was surprised at the nature of the arguments adduced on the other side. Hon. Gentlemen had spoken as if he had moved that the persons named in the Report should be sent to Newgate, or be subjected to very severe punishment; but all that he proposed was, that they should be taken into the custody of the Serjeant-at-arms to answer for the conduct imputed to them by the Special Committee. The course he proposed was not unusual, for all accused persons, let the tribunal be what it might, were taken into custody before they were put on their defence. In the first place, they took possession of the person against whom the charge was brought, and he was brought into court. He denied that the precedents were all on the other side. How loud and eloquent he had heard the right hon. Baronet speak in favour of precedent, and yet he had disregarded it in the present case. The Select Committee, in performance of their duty, had made a report, and in it had alleged that these parties had been guilty of bribery. The evidence on which this report had been founded had been heard *vivâ voce* by the Committee, and surely they were enabled to form something like a judgment on its merits. He was satisfied that the Committee who heard the evidence were much better able to form a just and correct opinion on the subject than persons who merely read the evidence. He thought, if they did not agree to the course he proposed, which was conformable to former precedents, they would establish a dangerous exception; at the same time, if he saw it was the general feeling of the House, he would postpone his Motion; but he did not see any necessity for so doing. He concluded with moving, "That A. B. Cooke, R. B. Clamp, J. E. Sparrow, J. Clipperton, and F. O'Malley, having been guilty of bribery at the last Ipswich election, be taken into the custody of the Serjeant-at-arms." He did not move that Pilgrim or Dasent be taken into custody, as they had come forward and given their evidence.

Sir *Samuel Whalley* supported the Motion. He asked whether hon. Members would be in a better situation than at present to form an opinion on the subject if they had the evidence before them?

Mr. *Cressett Pelham* thought the House was obliged to the hon. Member for Derbyshire, for taking up the case in the way in which he had.

Sir *Robert Peel* remarked, that bad precedents were never so often set as when the cases which gave birth to them were on the unpopular side of the question; but he for one would never shrink from espousing what he believed to be the cause of justice, because his protestation might be attributed to a desire to prevent the detection and punishment of crimes. The House was not about to proceed to inquire into the absence of certain material witnesses, but they were, acting in a judicial capacity, about to assume that those persons were guilty. According to the argument of the hon. and learned Gentleman (the Member for Dublin), the process was not punitive; but had not the hon. Member for North Derbyshire expressly asserted their guilt, and therefore called for the Speaker's warrant to be issued against parties, of all whose guilt the House would declare itself convinced? He certainly admitted that the House was not bound by technical rules of evidence, but they were as much bound as any Magistrate. It was evident that he was speaking in the presence of many Gentlemen who thought it a light thing to assume the guilt of parties without hearing the evidence. The House, too, was about to inflict this punishment on the advice and opinion, not of the Committee, but of those who attended and heard the evidence given before them. He believed the Committee did not act in this matter. If, then, the Committee did not advise this step, and declined this Motion, surely, although it was said that those who stood by frequently knew more of the matter than those who actually engaged in it, he was not unreasonable in asking for twenty-four hours' delay to examine the grounds on which this Motion was made. He would admit that the precedent quoted by the noble Lord opposite was of great weight. He was represented by the hon. Member for North Derbyshire as attaching great importance to precedents, and perhaps he did; he was not ashamed to say that he was not well acquainted with these precedents, nor had he an opportunity of looking for them, as this Motion had come on without notice. The precedent quoted by the hon. Member, however, was one that did not bear on the case. If he had made himself master of his subject, and had proved that the course proposed by the hon. Member was borne out by precedents, he might have been ready to concur in the views which the hon. Member had taken, but Stanbury had been served with the Speaker's warrant, and this entirely destroyed the parallel sought to be established between the two cases. He wished also to know on what grounds Pilgrim had been exempted from this Motion. When several parties were guilty, why should one be fixed upon for punishment, and the others be permitted to escape? The name of J. B. Dasent, Esq., was not included in the Motion; the original offence was committed by seven; why did they select five? It would appear almost an arbitrary exemption in favour of those two persons, unless those persons were alleged to be likely to abscond to avoid the Speaker's warrant, and no intimation of that nature had been made. He entreated the House to pause and take twenty-four hours to consider whether any of the parties deserved punishment, or whether any of the parties had purged their offence by submitting subsequently to the authority of the Committee.

Lord *John Russell* moved that the debate be postponed until to-morrow.

Mr. Sergeant *Wilde* said, he could not conceive how an adjudication of a Committee which had acted on the sanction of an oath—he could not conceive how, acting on the Report of such a Committee, which was to the effect that certain individuals had been guilty of certain acts,—could be called acting on an assumption of guilt: he should rather say that it was acting on an adjudication of guilt. Taking this view, he doubted the propriety of adjourning the Question, as was proposed; but he should nevertheless bow to the high authority of the noble Lord. The Committee had reported that certain individuals had absconded to avoid the service of the summons of that House. What did that imply? It was now said that these persons should have a hearing; to adopt that course would be only to give them an opportunity of repeating their offence; for the complaint against them was, that they would not attend the Committee to be heard—that they were absent by their own wilful default. If the House was disposed to pay such respect to this Report as it usually paid to the Reports of its Select Committees, it must come to the conclusion that the individuals in question, after having been apprized that they were about to be summoned, and that their evidence was considered important to the administration of justice, had absconded with a view to evade that summons, and throw an obstacle in the way of the administration of justice. In his opinion the Committee were quite as likely to ascertain the justice of the case, considering the powers with which they were invested, as the House itself would be, were the individuals brought to the Bar. This Committee having reported that these persons had absconded, they had the adjudication of a competent authority which was entitled to credit, and he thought it was the duty of the House to have the offenders at once taken into custody, after which the House might hear anything that the parties might have to urge in extenuation of their offence. He agreed with the right hon. Member for Tamworth that there was no just reason for excepting the two persons whom it had been proposed not to proceed against. He did not, however, agree with the right hon. Gentleman that the circumstance of the parties who at last appeared against their will should excuse their previous conduct. By adjourning the discussion, it appeared to him that the House was showing a tardiness on the subject that was not consistent with sound judgment.

Debate adjourned.

ENNIS ELECTION COMMITTEE.] Mr. *Palmer* explained the cause of his absence since last Friday from the Ennis Committee, of which he is a Member. He stated that his absence proceeded from his having erroneously understood that the Committee could not meet till the House re-assembled.

The hon. Member having been sworn to the above statement, he was excused.

ENLISTMENT OF SEAMEN.] Sir *James Graham* said, he wished, on the Motion for going into a Committee on the Seamen's Enlistment Bill, to put a question to his noble Friend (Lord John Russell) relative to the Order of the Day for the committal of the Seamen's Enlistment Bill; and perhaps the House would pardon him, if in doing so, he stated some of the circumstances connected with the subject. The House would remember that in the course of the last Session of the former Parliament, the hon. Member for Sheffield (Mr. Buckingham) moved a Resolution relative to Impressment. He, having at that time the honour of being one of his Majesty's confidential servants, considered it his duty to resist the resolution moved by the hon. Member; but in resisting it he announced, on the part of his Majesty's Ministers, that a Measure was in their contemplation, which he hoped would supersede the necessity for the hon. Gentleman's Motion. In redemption of the pledge he had given as a Minister of the Crown, he, in the commencement of the present Session, and in his individual capacity as a Member of that House, having no longer any connexion with the Government, brought forward a Measure, the principle of which was, first a statutory recognition of his Majesty's prerogative of Impressment in case of a declaration of war; and secondly, the extension of the principle that before recourse was had to compulsory means of manning the Navy, it should be tried whether voluntary enlistment, could not be induced by offering particular encouragement to the sailor, and removing many objections that had existed to the service. The hon. Member for Sheffield, he understood, agreed to the latter part of the proposition, but to the former he was decidedly opposed; and the hon. Member had, therefore, given notice, that on the Motion for this evening, that the House should resolve itself into Committee on the Seamen's Enlistment Bill, he should move that it be an instruction to the Committee to omit from the Bill every part of the same which might be intended to give legal power and authority, by statutory enactment, for the exercise of forcible impressment towards any class of his Majesty's subjects. Under these circumstances he felt, that as an individual Member of that House, he was justified in asking his noble Friend to state what was the decision of his Majesty's Ministers with respect to the notice which had been given by the hon. Member for Sheffield. If his Majesty's Ministers should be of opinion that on the whole it would be inexpedient that there should be a statutory recognition of the high prerogative of the Crown to enforce impressments, or that the inducements proposed in the Bill, as an encouragement to voluntary enlistment, would be too expensive to the country—and expensive he admitted they would be—then, as an individual Member of that House, he thought he should best discharge his duty by relinquishing the Bill, and giving it in charge to his Majesty's Ministers, to deal with it on their responsibility as they might think fit. He now proposed to fix a day—he would say this day se'nnight—for going into Committee on the Bill, and in the interim his Majesty's Ministers might determine what alterations they would recommend. The Bill would be committed *pro formâ*, to allow of the suggested alterations being printed, and the House would then consider whether the alterations were such as it could approve. He thought it much more advantageous that the Bill should be carried forward on the responsibility of the King's servants, than that he should proceed with a Measure against their opinion. He hoped that under those circumstances the hon. Member for Sheffield would allow him to postpone his Motion to the day he had mentioned.

Lord *John Russell* said, he would answer as clearly as he could the question put by his right hon. Friend. The Bill to which he had alluded had two objects; one to maintain the prerogative of the Crown with regard to impressment, and the other to encourage voluntary enlistment. Now, in these two objects he was disposed to concur. The Motion of the hon. Member for Sheffield with respect to the instruction to the Committee, he should feel it is duty to resist. Having explained so far, he had to state further, that after consulting with his Colleagues, the first Lord of the Admiralty, and the Chancellor of the Exchequer, on the subject, it was their opinion that the Bill ought to be considerably altered, and if it were pressed into Committee to-night they should feel themselve called on to press their alterations. He thought, therefore, that the Measure had better be postponed. When his Majesty's Ministers had stated what alterations they had to recommend, his right hon. Friend would decide whether the Bill still accorded with his original views, and if it did, he would probably continue to take charge of it.

Mr. *Buckingham* said, that having been personally appealed to by the right hon. Baronet, Sir James Graham, he was bound to say that he had stated the case of the Bills and the discussions to which they had given rise, with great fairness and fidelity; and he concurred with the right hon. Gentleman entirely in the opinion that both these Bills were of such public importance that they ought to be undertaken by the Government rather than left in the hands of any individual; at the same time he must say,that he had hoped to have heard from the noble Lord, the Secretary of the Home Department, a different opinion from that which he had just advanced in favour of a satisfactory recognition of the prerogative of the Crown to enforce the impressment of Seamen.—He had hoped that his Majesty's Government would have been content to have let the prerogative remain as it was, a power existing in name only, but never to be carried into execution, and to be permitted to expire or die a natural death by process of time alone, in common with the other feudal privileges that have already so become extinct. For himself, he must say, that his objections to impressment continued as strong as ever, and though it would give him great pain to do anything which might have the appearance of obstruction to the proceedings of the present Government, he was bound in honour to say, that if they should retain in the Bill of the right hon. Baronet, when it came before the House again, the objectionable clauses which went to enact or give statutory recognition to the power of impressment as a just, and lawful, and undoubted prerogative of the Crown, he should feel it his duty to oppose it, and to take the sense of the House upon the Question.—He should readily consent to the postponement of the Bill for the period named, to enable the Government to make such alterations in it as they might think desirable, but if these alterations did not include the striking out from the Bill all those parts of it which either recognized the power of impressment as legal, or authorized it by positive enactment, it would be as objectionable in his eyes as ever, and after this fair and public warning, he hoped that he should not have any want of fairness imputed to him, if he then gave, as he should feel himself bound to give, his most strenuous opposition to such a Bill passing into a law.

Committee postponed.

County Coroners.] Mr. Cripps moved the second reading of the County Coroners' Bill.

Mr. *Fox Maule* said, he had no objection to the Bill being read a second time if the hon. Gentleman would postpone the Committee, in order to allow time for the consideration of several alterations which he should feel it his duty to propose, on the subject of County-rates. These alterations could not be taken into consideration till after the Report of the Committee to inquire into the subject had been laid on the Table.

Mr. *Blackburne* had a great objection to one Clause of the Bill. The Clause to which he alluded would disfranchise the whole of the freeholders of counties who were not possessed of freeholds to the amount of 40*s*., and would give to all those who were now the electors of Members of Parliament in counties, the right which formerly belonged to the entire body of the freeholders. On what principle was it, that without giving them a hearing—without notice even, these freeholders should be deprived of the right they possessed of voting for Coroners? The preamble of the Bill stated, that whereas such elections were made with much riot and confusion, and were attended with great and unnecessary expense. Now he doubted not they were attended with unnecessary expense; but he never in all his experience knew of any rioting at elections for Coroners. It should be known that by this Clause the 50*l*. tenants-at-will would be brought into play. Coroners in counties were the persons to whom the poor looked for protection, and it was most unjust to deprive them of the franchise, and transfer it to another class. But there had been great and unnecessary expenses, forsooth, at the elections. Whose fault was that? Was it not the fault of the candidates themselves? The very individuals who had incurred the great and unnecessary expense, would make it appear that they had not sufficient remuneration, and by this Bill proposed to increase the rate of mileage. He therefore moved that the Bill be read a second time that day six months.

Sir *George Strickland,* notwithstanding the warmth and zeal of the hon. Member who had just sat down, must give his cordial support to the general and leading principles of so useful and wise a measure. The objection made by the hon. Member for Huddersfield (Mr. Blackburne) might be taken into consideration in Committee. Besides the hon. Gentleman had not stated the principles of the Bill fairly. He had omitted to state the abuses of the present system. In the county of York, in particular, the office of Coroner had become a property, and it was there a saying that a Coroner was returned by one or two persons. No man would be more ready than himself to endeavour to avoid the disfranchisement of those persons alluded to, but he really thought that Clause was a subject for consideration in Committee. With regard to the ninepence a mile that had been mentioned, he believed that the fair construction of the Act of Parliament which gave that amount for travelling expenses would make it amount to the same as it was now proposed to make it. The ninepence a mile having been considered to be ninepence to a place and from a place, and the present Bill only expressed what the previous Act intended. He would remind the House that this necessary measure had now been before it for no less a term than five years.

The *Solicitor-General* said, that the last day of the last session a Bill similar to the present had been thrown out of that House after having passed the House of Lords, in consequence of some amendments having been made. With regard to the clause which might be considered harsh in its operation, namely, that which disfranchised the poorer freehold voters, it might be easily altered in Committee, and he for one would concur in such alteration. The present Bill for the first time gave the power to a Coroner of registration of all those who came to an untimely end; to order the opening of a body when considered necessary; and authorise the payment of a medical man for the purpose. The Court of the Coroner was also to be an open Court, as had been provided by the Bill of last session. He trusted the hon. and learned Gentleman would withdraw his amendment.

Mr. *Jervis,* while he adopted the principle of the Bill, thought that some amendments might be necessary. He thought that the office of Coroner should be more open to competition, and not left, as at present, to be occupied only by medical men and lawyers. It was also important to the country at large that the Coroner's Court should be an open Court, for which reason he should give the Bill his support. He should, however, oppose in the Committee that Clause which proposed the disfranchisement of the lower class of freeholders, in regard of voting at the election for Coroner.

Mr. *Blackburne* consented to withdraw his Amendment, reserving to himself the right of opposing any obnoxious clauses in the Committee.

Mr. *Wakley* considered the Bill a compound of good and evil, and although he was disposed to give it his support in its present stage, it still required great alteration in the Committee. The great advantage which it would confer was said to be, that it declared the Coroner's Court to be hereafter an open Court. Now, how did it provide for that? Why thus—" And be it enacted, that every inquest to be held before any Coroner upon the body of any person shall be deemed to be an open Court, and the evidence of the witnesses, and the charge and direction of the Coroner, shall be delivered in, and all the proceedings shall be carried on in open Court; but nothing herein contained shall extend, or be construed to extend, to limit or control the power and authority of the Coroner to preserve order in the said Court, when in the judgment of the said Coroner the ends of public justice may require the exclusion of such persons from the said Court. [" *Read on, read on.*"] " Provided," the Bill went on to say, " that in all cases where the Coroner shall make use of such authority, he shall, as soon as may be after such exclusion, report the same to the Lord Chief Justice of his Majesty's Court of King's Bench, and also to his Majesty's Secretary of State for the Home Department, together with a statement of the circumstances which induced the said Coroner to require such exclusion, and provided that the Coroner shall transmit to the Lord Chief Justice of the King's Bench and to the Secretary of State for the Home Department an account of the circumstances of the case which demanded exclusion." But by that provision, the mischief might be done, and then, the means of redress were out of reach. He was inclined, however, to believe that there was so much good in the Bill that they ought to allow it to be read a second time. But it was impossible that the Bill should ever pass, giving as it did only to the persons who had the right of voting for the election of Knights of the Shire, the right of electing a Coroner. He knew many cases in which the one qualification no way implied the possession of the other; and where, if the parties were not registered for the borough election by the Bill now proposed, they would be disfranchised; now that could not be the intention of any hon. Member. He therefore trusted that before the Bill was brought forward in Committee, the hon. Member (Mr. Cripps) would see the propriety of making such alteration in it, as would have the effect of introducing those voters into it which were admitted before. The Bill did not, he would observe, multiply the Coroners, it only authorized the Magistrates to divide the county, in such a manner as would best promote the ends of justice; such a power they ought to have; and he was glad the Bill gave it to them. The hon. Member would, he trusted, make the alteration which had been suggested to him.

The *Attorney General* said, he felt himself responsible for that particular clause as it now stood, having been induced so to draw it up as, if possible, at once to secure the important object of publicity, and obviate the objections to that principle which seemed to be felt in another place. When duly considered, he had no doubt it would receive the approbation of that House and the public. The Coroner's Court was now considered by many persons an open Court, but by others it was asserted that the Coroner might capriciously, without assigning any reason whatever, turn out those who attended for the public press, or who were anxious to see that justice was properly administered, and sit with shut doors. Now, this Bill declared that the Coroner's Court was an open Court, where the justice of the country should be administered openly before the country. At the same time it gave the Coroner a power, which he (the Attorney General) thought he ought to possess, of ordering certain individuals in certain cases to withdraw. For instance, on an inquisition for murder it was quite possible that the guilty person might be present, and after hearing the evidence he might abscond. But this power was to be enjoyed under great responsibilities. Immediately afterwards, the Coroner was bound to transmit a statement to the Lord Chief Justice of the King's Bench and the Secretary of State for the Home Department of what had transpired, and the reasons which had induced him to clear the Court. His conduct might be publicly canvassed, and if he acted capriciously or from corrupt motives in any case, he would be amenable to the ordinary Courts of justice, or at the bar of that House. He thought the clause was the object which those who maintained the opinion that the Coroner's was an open Court had in view, and he trusted the Bill would experience no interruption in the present instance, but would be suffered to go into a Committee of the whole House, where it might be more conveniently, and at leisure, examined in detail.

Mr. *Pease* declared, if the disfranchisement clause were not abandoned, he should vote against the Bill on the third reading.

Amendment withdrawn, and Bill read a second time.

COUNSEL FOR PRISONERS.] Mr. Ewart moved the second reading of the Counsel for Prisoners' Bill.

Mr. *Goring* said, that the measure was the result of a mistaken humanity, and would neither benefit the prisoner nor the public. It was unnecessary inasmuch as the judge was the Prisoner's Counsel, and it would be mischievous, causing contentions among the counsel, and delaying the business of the Courts. He objected particularly to the clause which allowed an Attorney to plead as counsel. Considering the Bill to be quite unnecessary, he would move that it be read a second time that day six months.

Sir *George Strickland* supported the Bill, and must say, that he thought that the speech of the late Attorney-General the hon. and learned Member for Huntingdon in favour of it, was quite convincing and unanswerable. The existing law was a remnant of feudal severity, and the alteration in it was resisted merely from the general fear of innovation.

Mr. *Horace Twiss* said, that having for many years past taken an anxious interest on the subject, he trusted the House would allow him to state those reasons which he thought gave great weight to the propriety and necessity of the Measure. They had heard that evening, a specimen of most of the arguments, usually advanced as a defence of the existing system; in the first place, there was the old argument of the Judges being the Prisoner's Counsel, and that the Bill would deprive the prisoner of that existing advocacy: that presumed in the first place, that the Judge had the opportunity of hearing all the evidence, which were he the Counsel for the prisoner, he would have the means of knowing, and then that he would know accurately what points of that evidence bore upon the merits of his case. Now, if that were so, not only would there be no necessity for the speech of the Counsel for the prosecution, but, in civil cases, no necessity for Counsel on either side, as the evidence would come out passage by passage, and the Judge would have nothing to do but to decide on its application, and then, without any contest, there would be an end of the matter. But how was the Judge to know what was the point intended to be relied upon by either of the parties? He had no brief upon the matter, the only brief which he got was the deposition, which was in fact the brief of the prosecutor. But then it was said, that the Judge would hold the prosecutor's brief, as the Prisoner's Counsel, while the only brief he held was the depositions taken before the Magistrate which in many cases were *ex-parte* against the client. But if the Judge did his duty, his own mind was necessarily occupied during the trial with something different from the defence of his client. It must be recollected that during a criminal trial three processes were going on. The Counsel for the prosecution was endeavouring to make the evidence bear on the guilt of the prisoner; the Counsel for the prisoner was endeavouring to make the evidence bear on his innocence; but neither of those processes ought to be going on in the mind of the Judge, who ought to be considering in what way the law bore upon the facts, and what was the balance of the conflicting statements, and he could not fulfil his duty to the public and to the prisoner at the same time, if he were considered the Prisoner's Counsel. To shew the absurdity of supposing that the Judge was the Prisoner's Counsel, it was merely necessary to advert to the frequent phrase that "the Judge summed up for a conviction." What! sum up against his own client? He was the counsel for the prisoner, and he went to the jury, and with a strong and impressive speech, tried to induce them to find his own client guilty; that was a great absurdity surely, and rested with the existing system. The only judicial operation which that House performed, was, upon Election Committees, and at one time there were nominees admitted who were at once Judges and parties in the case, but there was so much hardship, and injury connected with that system, that it was done away on that account. It was sometimes said, that if the Bill passed, there would be great heat—that the Counsel would be extremely ambitious to shew themselves off; he admitted that some feeling of that kind might exist, but then it was the case at present, and the Counsel, having no legitimate opportunity for their observations, were continually endeavouring to get in, not one speech, but two or three speeches, under the shadow of a question, and the Counsel for the prosecution, generally insisting, often very strictly, upon the observance of the rule, what with the struggles on the one side to make a speech, and on the other side, to prevent it, that very heat was generated which was apprehended from granting permission to deliver a regular speech, and in civil cases there was none of that heat produced which was so much dreaded, though each party had often much to gain or lose: was it then much more likely to occur in criminal cases? In general, it should be observed that, so far from there being a strong feeling on the part of the prosecutor against the prisoner, the contrary was the fact, as the prosecutor was almost invariably the party who recommended the prisoner to mercy. But then "time is a question." He (Mr. Twiss) did not think it likely that Counsel would expose themselves by long speeches, to waste the time of the Court, particularly as it was well known he would infallibly expose himself to the ridicule of the Bar, and the dislike of the Judge, but if they were so inclined, would the House of

Commons say that the Judge had time to hear one party, and not to hear the other? Then it was said, that the proposed Measure would be injurious to the prisoner. He thought that the prisoner himself would be best able to decide that by himself, or with the advice of his Attorney. At present, the law allowed Counsel in the cases of treason, and misdemeanor; and would any man, even the most strenuous opponents of the Measure, say that the law in those cases should be repealed? Upon what principle then could they justify the argument, that though in civil cases, in treason, and in misdemeanors, the prisoner had Counsel, felony was the only case to be excepted. Did that require any line of demarcation? Not at all, for the felony and misdemeanor, were so closely connected that in many cases it was almost impossible to distinguish between them. Would the House then take away that first right of man—the being heard, either by his own mouth, or by his Counsel more competent than himself? Look at the circumstances in which the man might be placed. In many cases, conclusions were to be derived from the recollection of facts or from some contingent circumstances. It was true, that when the facts were undisputed nothing was to be contested; but the prisoner had the right of arguing the point of law before his Judge, and in many cases it was extremely difficult to put facts on their proper footing without considerable skill in explanation and considerable knowledge. Take the case of homicide in an arrest; a great deal would then turn upon the legality of the arrest, if it were legal, the deed would be murder; if illegal it would be reduced to manslaughter; and that was wholly matter of fact. Again the case of *malice prepense* in which there was always great difficulty, and the Judge had to decide the law upon it. In almost all cases of circumstantial evidence, it was matter of fact; nothing was more difficult than to decide upon the motives of a deed; and all that was matter requiring the assistance of Counsel, and Counsel of great skill, to elucidate it. It was often part of the case of the Counsel for the prosecution to prove a fact by a great number of allegations which carried credibility of proof with them; a man was tried, with many other persons, for a murder, committed in a general assault; the difficulty for the Judge was to keep the proofs separate, and when the man was unaided, how was he to preserve all the parallel lines in the proofs, to distinguish how much belonged to one and to another, in order to ascertain whether there might not be some inconsistency in respect to some of them; as it often happened that the defence for one was wholly inconsistent with the defence for another of the parties? And when the Question was, "Did A or B strike the fatal blow?" How was the Judge to take the case of each, although the Counsel for each might do it? Let the House consider the case of a deaf person incapable of readily catching the evidence: of a foreigner who could not duly appreciate it; of an invalid, whose strength of constitution was not sufficient to bear up against it; of the aged, with their faculties almost expiring; or, of the young whose faculties were hardly arrived at maturity; or of a woman whose feelings rendered it impossible that she could attend to the evidence. None of those cases, separately, were numerous; but the aggregate formed a large proportion of convicted criminals: and yet, to all of them the argument applied. He would imagine the case of a full-grown man, in the possession of all his faculties, still he might be a man of education, or a common labourer, and the conviction or acquittal might depend on skill, or a want of skill, and not on guilt or innocency. A man might be able to take notes of the evidence, or he might be obliged to rely upon his memory. In what sort of state must his recollection be, or his mind, to argue with calmness upon his own case even if he were a man of ordinary judgment? Even in that House where, theoretically, at least, all men were equal, was it not well known when hon. Members got up to speak, what awe and difficulty oppressed them which all their education and sense of equality did not overcome. How much more, then, in the case of a man in humble life standing against a prosecutor with the aid of Counsel, with a crowded audience about him, perhaps, by the nature of the crime, prejudiced against him, and the man alone in a part of the court whose very situation—the dock—puts him in a place of degradation; with all that against him, let the House say if he were placed in a situation of equality with the Counsel for the prosecution, what chance he had of attending to the merits of the case? If he, by some accident, were enabled so to do, then there arose another class of objections and prejudices not less violent and dangerous: the feeling was, that he must be an experienced rogue. If under the circumstances described, he was able to make out a good case, he must be an old hand, an ancient practitioner, and thus he must either bring out no case at all, or bring it out to his disadvantage. In a great number of cases, too, the fact alleged came, perhaps, by surprise upon the man, and how was he then to make his address, and consider all the questions before him? It was said that the inequality was only in appearance. He hoped for the honour of his country it was so, but it was essential to law and justice that the Judge should not only be just, but be thought just. The damage of the few was the insecurity of the many. It would not do to pride themselves upon their intellectual advances, because every other machinery was rapidly improving; if that machinery, the machinery of justice, upon which the life and liberty of men depended was left imperfect. He therefore should give his cordial vote for the Bill. Amendment withdrawn.

Bill read a second time.

BERBICE—MR. WALKER.] Sir *C. Burrell* moved for a Copy of the Treasury Minute, dated December 5, 1825, whereby Mr. James Walker, the late Crown Agent in Berbice, was dismissed from his office: and also, for a Copy of the Report of the Commissioners of Inquiry, and of the examination which accompanied that Report to the Colonial Secretary of State, under date the 13th of August, 1825, whereon the dismissal of the said Mr. James Walker from his office was founded.

Colonel Sibthorp seconded the Motion.

Mr. *Francis Baring* opposed the Motion, upon the ground that the whole of the circumstances connected with the dismissal of Mr. Walker had been fully inquired into ten years ago; and also, because he thought the papers moved for by the hon. Baronet were of a description that could not be produced consistently either with decency or security to the public service.

Lord *Granville Somerset* differed from the right hon. Gentleman. He (Lord Granville Somerset) had read the whole of the papers through with great attention ten years ago, and he certainly remembered nothing that they contained that could be regarded as rendering them unfit to be produced in that House. He thought that the hon. Baronet was perfectly justified in bringing forward the Motion, but at the same time he regretted that he had done so, because he saw no practical good that could result from it.

The Motion was ultimately withdrawn.

BRITISH CONSUL AT TRIPOLI.] Dr. *Bowring* rose, pursuant to notice, to move for the Correspondence between his Majesty's Consul at Tripoli and the British Government, on the contested claims to the Pachalic of that country; and also on the claims of British subjects on the Government or subjects of Tripoli. The hon. Gentleman said, he was induced to move for these papers in consequence of certain representations which had been made, and which were very generally believed, not only in this country, but in the South of Europe, that Mr. Warrington, the British Consul at Tripoli, had most imprudently and most improperly mixed himself up with the contests which had recently taken place for the Pachalic of that country. It was said that the Pacha had complained of Mr. Warrington's conduct, and requested that he might be withdrawn; but that the application had failed of the effect for which it was intended. It was rumoured further, not only that representations of Mr. Warrington's misconduct had been made by the Pacha, but by the Porte, by the Ambassadors of other Powers, and by the commercial men residing and carrying on business at Tripoli. The latter were said to have expressed great dissatisfaction at Mr. Warrington's conduct. It was not his intention to blame Mr. Warrington's conduct, or to judge of it; but he was quite sure that the House would look with great anxiety to the conduct of the Representative of British interests in a country so remote, and of such increasing importance as Tripoli. It was upon that account that he wished the House to be put in possession of such documents as the Government should think proper to produce, in order that hon. Gentlemen might know what was actually passing in that part of the world.

Sir *George Grey* said, it would be very inconvenient to accede to the hon. Gentleman's Motion. Before it could be carried into effect Mr. Warrington must be written to, and the Session must pass before an answer could be obtained from Tripoli. He must add, that a correspondence had been begun on the subject with Mr. Warrington, and it would at least be necessary to wait for that Gentleman's reply.

Mr. *Scarlett* concurred in the Motion for the production of the Papers. He thought there had been very great abuses in Tripoli, though he did not mean to make any charge against the British Consul; but he conceived that at some future period it would be the duty of the House to investigate them.

Dr. *Bowring* had no wish to call for any papers, the production of which would inconvenience the Government.

The Motion was withdrawn.

REFORM ACT (SCOTLAND).] The *Lord Advocate* moved for leave to bring in a Bill to explain and amend an Act of the 2nd and 3rd William 4th., chap. 65, to Amend the Representation of the people, and the Registration of the Voters in Scotland; and also to carry into effect the recommendations made by the Committee of last Session, for diminishing the expense of elections there. The right hon. Gentleman said he would shortly state the objects which he proposed to effect. He wished to put an end to creating votes. The Bill would put an end to creating such votes by subdividing property. That such attempts should be made to acquire political influence in Scotland, would not surprise those who remembered the paper qualification which existed under the old system, but it was the duty of the Legislature to prevent it as far as possible. The provision by which he proposed to guard against the extension of this practice under the new system of representation (where it was as yet in embryo only, but liable to increase into a positive evil) was, that there should be not more than two voters on any one joint property or joint farm, instead of, a property or farm being divided among a great number of holders, each of whom had a vote. This will be the limit to which the creation of fictitious freeholds could now be carried,—in ordinary cases there would of course, be but one vote to each farm. The next point to which he had directed his attention was the difficulty arising from the opposite opinions and decision given in the Courts of Appeal on the validity of votes, a circumstance consequent on the nature of the Appeal Courts in Scotland. The separate Courts of Appeal had in some cases pronounced opposite judgments, and it became necessary to declare the law on these disputed points. Another difficulty was, that when a person, registered on account of one house in a borough, quitted it for another of the same, and even of greater value, he lost his right of voting, until, at the next period of enrolment, he was able to qualify in respect of the new residence—in fact, he could not put in his claim till July, and the final adjudication upon it could not take place till October. He proposed that immediately after Whit Sunday, persons so situated, if they could make out a *primâ facie* case, should be allowed to be enrolled and to vote, thus giving them the enjoyment of the franchise, in the mean time, before the regular period of registration. Another objection to the existing law was, that too long a time elapsed between the receipt of the writ, and the day of the election. According to the present law, ten days at least must elapse after receipt of the writ by the Sheriff before the nomination could take place. That period could not be shortened, though it might be extended to sixteen days. This caused a very great and unnecessary delay; in addition to which there were the days of polling, and a further interval of a day before the declaration of the election could take place. That created great confusion and interruption to business, and was altogether uncalled for in the present state of the communication all over the country, except, indeed, in some counties where the great distance of some parts of the county from others made time necessary. The Bill proposed, that not less than four, and not more than ten days should elapse between the receipt of the writ and the day of election; which would be sufficient in all ordinary cases. In the distant counties composed partly of islands more time would be allowed. Another provision of the Bill was, that the declaration of the state of the poll might, in all cases, be made without delay after the polling-books were received. It had been a subject of complaint that many votes had been set aside in consequence of merely clerical errors, though such votes were substantially good. By the Bill, errors of a merely clerical kind in the statement of qualification, or in other proceedings with reference to the votes, were not to be deemed sufficient to vitiate such votes, so as to defeat the claims of the voters. Finally, the time of polling was to be limited to one day, the Sheriff having power to increase the number of polling-booths, and the polling to commence at eight in the morning, instead of, as now, at nine on the first day, and at eight on the second. If, however, at the close of the poll on the one day, any voters should remain who, wishing to vote, had been unable to do so, the sheriff should have power to prolong the polling until those voters should have polled. He apprehended that confining the polling to a single day would obviate much of the inconvenience arising from the obstacles which, under the present system, were thrown in the way of the voters, and it appeared to him that no valid objection could be raised to the plan on the score of insufficiency of time, because the polling-booths were to be multiplied; and additional time was given where voters were present before the hour for closing the poll. Upon the whole, he thought the plan of limiting the polling to one day presented great advantages; but, whether it were adopted or not, it would enable the House to consider whether any better regulation could be devised. The hon. Member concluded by moving for leave to bring in the Bill.

Leave given.

HOUSE OF LORDS,

Thursday, June 11, 1835.

MINUTES.] Petitions presented. By the Duke of RICHMOND, Lord WHARNCLIFFE, and the Earl of KINNOUL, from several Places in Scotland, for a Grant of Money to provide Church Accommodation.—By Lord BROUGHAM, from Presbyterians of London and its Vicinity, against such a Grant.—By the Bishop of LONDON, from Sunday School Teachers of Newcastle-upon-Tyne, to enforce the Observance of the Sabbath.—By Lord WHARNCLIFFE, from Protestants of Northampton, for Protection to the Established Church.

SAVINGS' BANKS—CASE AT HERTFORD.] The Marquess of *Salisbury* wished to call the attention of the House to a subject which was likely to excite a great deal of alarm out of doors. Some time since he was sorry to say, there was a serious defalcation in the funds of the Savings' Bank for Hertfordshire, in consequence of a fraud committed by an agent of that bank, a clergyman. That person had drawn considerable sums from the Savings' Bank, and had appropriated them to his own use. It seemed to be ascertained that the trustees and managers were liable to a certain portion of the defalcation, about 12,000*l.* The remainder of this loss must fall on the depositors. He wished to call the attention of the noble Viscount opposite to the manner in which the law now stood, and to ask him whether it was his intention to bring in a Bill to alter the law. As the law now stood, no trustee or manager of a Savings' Bank was to be personally liable except for his own acts, nor even for his own acts except for his own wilful negligence or default. The law was liable to great objections, as it might subject some innocent trustees and managers to an action if any defalcation took place; and the fear of such a liability would render many Gentlemen most anxious to withdraw their names, in a legal manner, from the office of trustees. However, the clause might be ultimately interpreted, he was sure that the evil he had mentioned would be dreaded, and would lead to this consequence. If, on the contrary, the clause was to be interpreted strictly according to the letter, he did not see what security there was for the depositor. It appeared to him that a depositor placed his money in those banks in which, on account of the names of the trustees, he had full confidence. The powers of the trustees were large. Any two of them might draw out a sum of money not exceeding 5,000*l.* To draw out a greater sum required the signatures of four trustees. The trustees received no remuneration for their labours; and the necessary consequence was, that they could not be called on to give security for the due discharge of their duties. Any trustee would, however, if a literal construction were put upon the clause he had mentioned, be liable for such a loss as he had described. If the other construction was put upon the clause, the depositors would be liable to the consequences of the fraud. This was no trifling matter. When the Savings' Banks were first formed, but few individuals expected that the sums subscribed would amount to what they now were. The amount now was equal to sixteen millions; and it was, therefore, a most important question, whether the Government would think fit to introduce a measure relating to those Savings—the more important as they were the savings of the poorer class of the people—or whether they should be left without any security whatever. He was sure that no persons would consent to remain trustees without knowing what was the amount of their liability. The question affected the noble Viscount as well as himself, for they were both liable, as trustees of this Hertfordshire Savings' Bank, to pay each a share of the loss.

Viscount *Melbourne* said, that certainly the subject deserved consideration; but much as he lamented what had occurred in Hertfordshire, he did not think that in consequence of one misfortune it would be prudent or wise to interfere with the business of the general Savings' Banks of the country. He believed that there had been considerable negligence in the management of the Hertfordshire Bank. The noble Marquess must not consider such an observation as an attack upon the noble Marquess, for he himself (Lord Melbourne) was just as much liable to the charge as the noble Marquess; but he believed if those precautions had been observed in this case which were observed in the case of other Savings' Banks, the loss would not have occurred, at least to the same extent. He must, however, suggest to the noble Marquess, that if alarming the trustees was a matter to be avoided, the public discussion of this subject was not the best way to prevent it. All he could say on the subject was, that at present he did not see any reason to propose an alteration in the existing law.

Lord *Brougham* believed, that there had been some degree of carelessness in this case, but he was happy to find, for the sake of the depositors, that the trustees were such undoubtedly solvent men. [The Marquess of *Salisbury*: We are only responsible for half the loss.] He regretted to hear that, on account of the depositors—if it had been 100,000*l.* it would have been equally safe. Spreading alarm among the trustees certainly was a thing to be avoided, and it was much to be desired that nothing should occur to scare men of influence and property from the performance of a duty attended with such beneficial consequences to the poorer classes. On the other hand, it was necessary to see that the regulations of Savings' Banks were carefully enforced, so as to prevent consequences of the kind now described, which must be extensively prejudicial. He agreed with his noble Friend that the subject deserved consideration, and was happy to find that though he would not pledge himself to introduce a measure on the subject, he was ready to give it his serious attention.

Viscount *Melbourne* had not intended to make any promise, direct or indirect, that he should do anything with respect to this subject. He thought it better not to legislate on a particular instance.

The Marquess of *Salisbury* said, that from what he knew of the trustees of the Savings' Bank of Hertfordshire, he believed that they would immediately withdraw their names from it if nothing was done to settle the question, and therefore he still hoped that the Government would take up the subject.

The Duke of *Richmond* agreed with the noble Marquess that a great many of the trustees of Savings' Banks would withdraw their names, and the consequence of that would be that the great body of the people, losing their confidence in the trustees, would withdraw their deposits. Such a consequence would be extremely unfortunate, and every thing should be done to avoid it. He was afraid that the Hertfordshire case was not the only one of the kind; there had been another of a similar description within the last six months in Northamptonshire.

Lord *Denman* said, that he might be allowed to make a few observations upon this subject. He apprehended that alarm among the trustees was quite unnecessary, for that they had effectual means of protecting themselves from liability, and of protecting the interest of those who were connected with them as depositors. They should take care strictly to enforce the provisions of the act of Parliament, and then defalcations could scarcely happen. With respect to the probability of their withdrawing their names, he was by no means sure that that would put an end to their responsibility. If any money had been paid to them, they had accepted it at their peril, and were answerable for its administration. If there were cases in which difficulties occurred as to legal remedies, it would be the interest of all to see that innocent trustees were taken care of.

The Earl of *Wicklow* believed, that it would be a difficult thing for the trustees to relieve themselves from their responsibility, but he believed also that if the laws of the Savings' Banks were observed, it would be almost impossible that there should be any defalcation. Such defalcation he thought must be owing to the neglect of the trustees, and nothing could be more unjust than that any portion of the loss so occasioned should fall on the depositor. Nothing could be more unwise than to let it be supposed that the depositor would be liable for any loss whatever. He hoped that in this instance the trustees would be found liable for the whole of the loss sustained.

The Marquess of *Salisbury* thanked the noble Earl for his wish. It would be perhaps more satisfactory to state what were the circumstances of the defalcation. Mr. Small, the defaulter, was the agent, and he had drawn out a large sum on the authority of the different contributors, and had appropriated it to his own use. For that sum the trustees were liable, but after notice of a change had been given, and the St. Alban's bank had been detached, as a branch bank, the depositors still continued to pay money into his hands, which money he had never deposited in the bank, but had appropriated it to his own use, and for that money the trustees were not liable.

The conversation dropped.

THE CHURCH (ENGLAND).] The Earl of *Westmoreland* presented a Petition from the Protestants of Northamptonshire against any appropriation of the Church revenues to other than Ecclesiastical purposes. They hoped that their Lordships would not consent to any measure which would have the effect of weakening the Church and destroying the prosperity of an Establishment from which the country had derived so much happiness and glory. It was not easy, in recommending this petition, to avoid expressing some opinion upon the different points it touched upon, which seemed to be comprised under three heads, —the Alteration of the Forms of Marriage and Registration;—the Repeal of Tithes and Church-rates;—the Alienation of Church-property. With respect to the first, it must be the wish of every one to relieve persons from any forms or ceremonies injurious to their religious feelings;—but, in society, all persons must make some sacrifice to the welfare of the rest of society. The protection of property and legal title, was as necessary to Dissenters, as to other persons. For the sake of Dissenters, as well as the rest of the community, great caution then must be used in the alteration of these laws. With respect to the abolition of tithes and Church-rates it was asking for what the petitioners had not bought; and were not entitled to. The petitioners had bought an estate at a low price in consequence of its being charged with these rates; and he therefore trusted that the charges would be continued, (whatever changes might take place) and not be laid on the rest of the community. The poor were not to be taxed to increase the estates of the rich. It was put forward that the abolition of tithes would be a relief to the poor, particularly in Ireland. He would maintain that the abolition of tithes would be a most heavy burden upon the people of Ireland—no doubt, though (to their credit, not sought,) most beneficial to the landlords, both in England and Ireland. The last proposition to which the petition related was the alienation of Church-property, which seemed to be in direct contravention of the Act of Settlement of the Crown , and the Act of Union with Ireland. Many Acts of Parliament and oaths might be argued upon their construction and tendency, but here the words were positive and distinct. Having been one of the Ministers who were engaged in carrying the Act of Union, he was convinced (and he could call upon some present to concur with him), that the Act of Union could not have passed without that clause.

Petition read at length, and ordered to lie on the Table.

SLAVE TRADE IN THE MAURITIUS.] Lord *Brougham* wished to ask two questions relative to 30,000 Negroes, who he said had, by an act of piracy, been carried as slaves into the Mauritius. He wished to know whether measures had been taken for their release, and also whether measures had been taken to prevent that abuse, that gross abuse and outrage on the feelings of the people of England, who would have to pay the money, namely—to prevent the giving of one farthing of compensation with respect to these persons thus unlawfully and piratically treated as slaves.

Viscount *Melbourne* said, that his noble Friend the Secretary for the Colonies was not present, and, in his absence, he begged to decline answering the questions.

SUBSCRIPTION AT THE UNIVERSITIES.] The Earl of *Radnor* brought in a Bill, the object of which was to do away with the necessity of subscribing to the Thirty-nine Articles on Matriculation at either of the Universities, the noble Lord moved that it be read a first time.

The Bishop of *Glocester* remarked, that at Cambridge a person was not called on to subscribe the Thirty-nine Articles on Matriculation, or on taking his first degree of Bachelor of Arts.

The Bill read a first time.

CORN-LAWS.] Earl *Fitzwilliam* presented a Petition from the inhabitants of Auchtermuchty complaining of the present system of Corn-laws. He said that the petitioners considered these laws as opposed to the best interests of the labouring classes of the community. For himself, he considered them to be beneficial to no class whatever. He had not abandoned his intention of pursuing is former course with respect to these laws, and he trusted he should do so with success, for the present system, he was convinced, was one which could not be a permanent part of the system of the commercial law of the country. The time was not far distant—perhaps he should live to see it—when a considerable number of those who took the greatest interest in the welfare of the agricultural classes would be convinced that their interests could not be secured by this system. The price of wheat was now under 40*s.* a quarter. It must therefore be obvious to their Lordships that no legal enactments could secure to the agricultural interests of this country a price, nor to the landlords a rent dependent upon a price such as they required when that price was determined by the operation of natural causes which no system of laws could alter. Unless the law was assisted by a short supply, all classes would soon find that the idea of maintaining a high price of corn by law was a delusion.

The Earl of *Malmesbury* denied that the agriculturists were seeking for high prices. The state of the market proved this fact. If they were monopolizers or jobbers, it was clear that they had failed in their object. But such was not the case, they were neither the one nor the other. A reaction must take place in some way or other, or the ruin of the farmer must inevitably follow. The Corn-laws were not intended to secure high prices, but they were adopted as a shield to protect the country from ruin hereafter. Take away the Corn-laws, and the ruin of the farmer would be confirmed. Let their Lordships look at the manner in which the farmer was burthened, and then say, why he should not receive his share of protection. Relief was granted to others. To the landowner special protection was given for special reasons, and he could not conceive why protection should not be extended to the farmer; so long as those laws remained they would save the country from the greatest possible of evils—the discouragement of the agriculturist. All the farmer desired was a fair remunerating price; he did not seek to have anything to do with monopoly or jobbing.

Lord *Brougham* protested against the two doctrines laid down by the noble Earl who had just spoken. One of the noble Earl's positions was, that the object of the Corn-laws was not to raise the price of corn. If it were not, he did not know what raising the price and keeping up the price of corn was. [The Earl of *Malmesbury:* I spoke of a remunerative price.] A remunerative price! That was a very nice question, upon which there was a great diversity of opinion, just as circumstances operated on different parties. It was, however, clear that the object of the Corn-laws was to keep the prices higher than they otherwise would be. Exorbitant prices, he knew, was out of the question. There was, therefore, no great difference of opinion between him and the noble Lord with reference to the effect of the Corn-laws (and this was often the case) when they came to understand each other's meaning. The other position of the noble Earl was, that it was not the object of the agriculturists by means of the Corn-laws to raise the price of wheat, because the prices were low, and they had failed in producing such an effect. But how stood the fact? Wheat was now at 39*s.*, whereas it was down to 36*s.* some weeks ago. But if it were said to be the object of the Corn-laws (it was a common argument and a very intelligible one) not to keep up prices at all, not to keep up even remunerative prices, but to establish steady prices and to prevent those fluctuations, how had those laws operated? Why, they had failed to produce any such effect—for under the protection of those laws, corn had fallen from 60*s.* and 64*s.* down to its present price. He believed that if the Corn-laws were repealed, or Mr. Ricardo's plan of a fixed duty of 10*s.* per quarter were adopted, such a proceeding would not reduce the price of corn so low as many individuals imagined.

The Earl of *Malmesbury* said, if 1,200,000 quarters of foreign grain, which were now hanging over their heads, were let out of bond, such a supply would ruin the agriculturists both of England and Ireland.

Earl *Fitzwilliam* said, this remunerative price varied exceedingly. In 1815, the remunerative price was 84*s.*, but, according to the Corn-law Bill of 1828, it was 62*s.* or 64*s.* One of the strongest illustrations of the fact, that the Corn-laws were not beneficial to the agriculturists generally, was to be found in this circumstance—that the poor agriculturist was not enabled to take the benefit of any rise of price which might chance to occur. Owing to the extraordinary abundance of the harvest, and the consequent lowness of the price, larger quantities of corn were at present lying on the hands of the farmer than was usual at this time of the year. It would, however, be uniformly found that the farmers thus situated were amongst the most wealthy of the agricultural class. The poor farmer who rented bad land, and who had but little capital, had been, at a very early period, compelled to part with his stock; so that any rise which might take place between the second week in June, where they now were, and August next, when they might expect that the harvest would be reaped, would benefit the more wealthy class of agriculturists, but not the poor farmer. But those who would derive the greatest advantage from the existing system were the speculators in foreign corn—the persons who owned that large mass of foreign corn which was now in bonded warehouses; those were the individuals who would derive the chief benefit from any rise that might take place in the price of grain. For these reasons he would contend, that the Corn-laws did not tell so much in favour of the great body of agriculturists as some noble Lords supposed.

Lord *Ashburton* said, that the present Corn-laws gave no protection when wheat was beyond *55s.* After that price foreign wheat might come in on a reduced scale of duty. The noble Earl appeared to think that the farmer was not benefitted under the present system of Corn-laws, and would be better off without any protection at all, but he (Lord Ashburton) was at a loss to understand how it could be argued that the agriculturists of England, Ireland, and Scotland, did not derive advantage from keeping to themselves the markets of the country when the price was below a certain sum. If there were no protection, wheat might come in at *30s.* a quarter. It could not be fairly contended, therefore, although the agriculturists might not have full protection under the existing Corn-laws, that they enjoyed no protection. Knowing how difficult it was to adopt any artificial system which would be satisfactory to all parties, he thought it would be hard to devise any scheme that would work better than the present, and he hoped, therefore, that Parliament would not be lightly induced to tamper with the Corn-laws.

Petition laid on the Table.

POOR LAWS—IRELAND.] The Earl of *Carbery* said, that it being now twelve months since the appointment of the Commission to inquire into the state of the poor in Ireland, and four months of the present Session having elapsed without any report from the Commission, he wished to ask the noble Viscount at the head of the Government when their report might be expected? He observed that a Bill relative to a Poor-rate in Ireland was about to be presented to the other House of Parliament by an hon. and learned Gentleman, but he hoped when the report was laid before Parliament, that any measure to be brought forward in consequence of it would not be intrusted to the care of any individual, be he who he might; but that the subject would be undertaken by the Ministers on their own responsibility.

Viscount *Melbourne* replied, that the inquiry had extended to a greater length than was expected; however, considering its great difficulty and importance, noble Lords could not be surprised at that circumstance. He could not exactly say, at what time the report would be presented, but he had reason to hope that it would not be very long delayed. His Majesty's Government had nothing whatever to do with any Bill about to be produced in another place in reference to the subject. The measure alluded to by the noble Lord was brought forward without concert or agreement with Ministers. When the report of the Commissioners should be made, it would then be the duty of Government to consider what course they would adopt.

NEWCASTLE RAILWAY—SUNDAY TRAVELLING.] The Duke of Sutherland moved the third reading of the Newcastle-upon-Tyne Railway Bill.

The Bishop of *Hereford* rose to propose a clause by way of Amendment, which had been negatived in the Committee on the Bill by a majority of one. Some of the landowners interested in this rail-way not feeling satisfied with that decision, wished to have the opinion of the Legislature again taken on the subject. The clause which he intended to propose would have the effect (if adopted) of restricting the use of locomotive engines on the rail-way to six days of the week, prohibiting their application on Sundays. He was not about to advocate this Amendment on the ground of a better observance of the Sabbath, however much he felt the importance of that object; but he believed that the faith of Parliament was pledged to the parties on whose behalf he proposed the clause. In 1829, the Act establishing this rail-way was passed, and the company contracted a voluntary engagement with the landowners on the line that no locomotive engines should be used on the rail-way. That agreement was sanctioned by the Legislature in the shape of a clause of the Act. In March, last, the rail-way was opened, when, notwithstanding the clause, locomotive engines were immediately put in operation. One of the landowners obtained an injunction from the Court of Chancery to prohibit the practice, which injunction was now in force. Meanwhile, improvements took place in the machinery of the engines, and in the consumption of the fuel used by them so as to occasion a diminution of the nuisance before experienced from their use. Mr. Gray, the landowner who had obtained the injunction, finding that the Act would be impeded by enforcing it, consented to give it up, and allow locomotive engines to run on the rail-road six days of the week, provided they were not used on Sundays, when there was no occasion to carry goods on the rail-way, and it could only be made use of for the conveyance of passengers on pleasure excursions. The Company proposed to bring in a Bill to sanction the use of locomotive engines; but although the other landed proprietors agreed to this, Mr. Grey refused to consent to the use of engines on Sundays. He (the Bishop of Hereford) relied upon the contract between the parties which forbade the use of locomotive engines on the Sabbath. It had been openly avowed by the company that, as might be supposed, emolument was their only object, and that they expected to gain 1,000*l.* a-year by Sunday travelling. The proprietors, Mr. Grey and another individual, objected to this on the ground of desecration of the Sabbath and breach of contract. Numerous petitions had been presented against the use of those machines, which it was proved would be attended with a great nuisance, disturbing the quiet of the inhabitants of the line of road. During the three Sundays that the locomotive engines were in use, a great number of people passed along the rail-way. It was quite true that Mr. Grey had signed an agreement on the subject, but it did not appear to him the (Bishop of Hereford) that that Gentleman meant to give up his right to object to the use of engines in the way proposed, although he might have been to blame for not taking care that the document was more cautiously worded. He thought that the agreement, if fairly and liberally construed, would convey the meaning that Mr. Grey intended to give up his objection to the use of locomotive engines on six days in the week, but not to withdraw his opposition to their use on the seventh. In other words, Mr. Grey was willing to give up six parts of a contract sanctioned by Act of Parliament, and only required in return for this concession that the Company would allow the seventh portion of the agreement to remain undisturbed. The right reverend Prelate concluded by moving a clause excluding the use of locomotive engines on the Lord's-day.

Lord *Wallace* observed, that the Amendment proposed by the reverend Prelate was recommended on two grounds, one general connected with the better Observance of the Sabbath—and the other a special one founded upon an alleged breach of compact arising out of an Agreement entered into by the Company, promoting the Bill in the year 1829, by which the use of locomotive engines was precluded. He did not deny, that in the Act of 1829, by which the Newcastle and Carlisle Railway was originally established, a clause to that effect existed, but it appeared to him that all the parties who might be considered as having an interest in the protection afforded by that clause, (including the petitioners against the Bill), had by subsequent Acts of their own deprived themselves of all right to appeal to the provision alluded to. That this clause might have operated to induce some of the landholders on the line to become at that time consenting parties to the rail-way was very probable—it would certainly have been an inducement to himself, but how far it had in fact so operated—how far the proposal of the present measure was strictly consistent with the spirit and meaning of the previous engagement, or what his own conduct would have been, had a large proportion of the landowners who then consented thought it right to resist this Bill as a breach of the compact then made, it would be a useless waste of time now to discuss; for the reason he had already assigned that there remained no party in a condition with the least show of justice to claim the benefit of it.

The line of rail-way extended sixty miles — the proprietors of fifty-nine of those miles had consented to this Bill for the removal of the restriction imposed by the former Act. This, in respect to each of these individuals, amounted to a complete abandonment of all pretension to complain of a breach of faith or to resort to a provision which they had themselves thus consented to abrogate. They were then out of the question. There remained only the single mile divided between the petitioners, both of whom, he concluded, were equally deprived of any advantage such an appeal might afford them. Whatever effect the clause prohibiting locomotive engines might have had in obtaining the consents of some of the landholders to the Bill of 1829, he did not think it could be affirmed to the same extent in respect to Mr. Grey the first of the petitioners—at least any influence it had was considerably assisted by the receipt of 3,000*l.* paid to him by the Company in consequence of his withdrawing his opposition to that Bill; but this was not all—a subsequent and recent agreement on the part of that Gentleman more decisively precluded him from resistance to the present measures on the ground of previous compact—it was executed on the 4th of May last and stated, that Mr. Grey should withdraw his opposition to the Bill now before Parliament on condition that the Company should give him an engagement under their common seal that they should hereafter do what? respect the sanctity of the Sabbath, and on that day no locomotive engines should be employed? Nothing of the kind—the condition thus formally prescribed is that "they should not hereafter apply to Parliament for a power to use raw coal or any fuel equally offensive for these locomotive engines"—and after this a clause was introduced into the agreement to prevent all misapprehension, and as if it were to anticipate and obviate the very claim put forward by the reverend Prelate to press the insertion of the Amendment proposed as arising from the Bill of 1829, it went on to say—"But it is to be understood that Mr. Grey is at liberty to propose for insertion into the Bill a clause to prevent Sunday travelling, and the Company is at liberty to oppose such clause." After this, what pretension, he would ask, could be reasonably insisted upon for the introduction of the Amendment as sanctioned by the Bill of 1829. The motive for inserting this clause in the agreement he conceived to have been to guard against any construction being put upon it, that might bring into doubt, Mr. Grey's exercise of the right of petitioning upon the general ground which he possessed in common with every subject of the realm who felt the importance of obtaining a more solemn Observance of the Sabbath through the means of legislative enactment. The circumstances in which Mr. Graham the other petitioner stood were even somewhat different. Mr. Graham had been and still was a holder of shares in the rail-way—in that character he received notice of a meeting to be held in reference to this Bill at which the several objects of it were distinctly brought forward for consideration, and amongst them that of obtaining the repeal of the restriction upon the use of locomotive engines imposed by the Bill of 1829—at this meeting he did not attend either to make any objection to what was proposed, or to limit his acquiescence by any condition, and not having done so, he became bound by the decision of the majority of the shareholders assembled, and in fact a promoter of the present Bill—so situated, it was impossible that with consistency any part of his case could be supported on a breach of compact—in which, if it could be imputed at all, he by his connexion with the Company must be considered as participating—he desired not to be supposed to object to the petitions of either one or the other of these Gentlemen—in prosecuting them they had only availed themselves of the unquestionable right they possessed—what he contended for only was that neither of them had made any case upon which to establish a claim to especial attention drawn from the previous engagement embodied in the clause of the Bill of 1829. The claims of both to their Lordships' consideration of the prayer of their respective petitions resolved themselves into the general question of the necessity of enforcing a more solemn Observance of the Sabbath, and the expediency of legislating for that purpose on the particular point to which the prohibition petitioned for was confined.

Although the reverend Prelate had adverted to the general consideration, he had not thought it desirable on the present occasion to enter into the discussion of it, and he willingly followed his example—it was a subject, however, to the importance of which no man was more alive than himself nor was he less alive to the difficulty that belonged to it, and he believed those who had most anxiously directed their attention to it, had found that the difficulty of dealing with it, was at least equal to its importance. His objection to the proposition of the reverend Prelate was less to the principle of it, than to the injustice and partiality of its application—it was to a single mode of travelling—a single rail-way—a single district—a single class of individuals; while any other district—any other mode of travelling, and description of persons were exempt from the same oppressive restriction. Be the object of the proposition ever so expedient—the expediency must be general, not local. If for the due Observance of the Sabbath, a prohibition against travelling was required, it was equally required in every part of the kingdom and for every class of its inhabitants whose religious duties and obligations were the same for every rank and station, the richest as much as the poorest; not for one place or one class alone and particularly for that humbler class on whose occasional recreation and wholesome exercise their comfort,their enjoyment,and, he might add, their health so essentially depended—upon the recreations and enjoyments of this valuable class every measure he had yet seen brought forward with a view to the object of this Amendment, as well as the restriction resulting fromthis Amendmencitself appeared to him exclusively and cruelly to fall. The motive he had in opposing himself to it was to prevent this, and that the humbler classes of his fellow-subjects whose less fortunate lot consigned them to laborious occupations, pursued in close habitations amidst the deleterious atmosphere of a smoky town during six days of the week—should not on that remaining one, in which they were at liberty to profit by it be deprived of the benefit of salutary exercise—a cheerful and innocent recreation—the refreshment of the country and the blessing of breathing for a few hours a pure and untainted air, that might revive their spirits, recruit their strength, and sustain their powers of exertion in the various branches of useful industry to which they were devoted. God knows, my Lords, he added, the distinction between the rich and the poor is wide enough from their respective positions, let us not aggravate the sense of it by injudicious, because unequal legislation.

The Earl of *Roden* having presented a Petition signed by 5,000 inhabitants of the town of Newcastle, against the Bill, thought it necessary to offer a few words on the subject. It had been proved that the use of locomotive engines on Sundays was not required on this line for the purpose of trade, and that the only object was to promote pleasure or riots in trips from Carlisle to Newcastle. He agreed with the noble Lord that Mr. Grey had no reason to complain of the Bill, but he thought the noble Lord mistaken in his opinion of the position of Mr. Graham, the other proprietor referred to. He entered fully into the feelings of that Gentleman, who resided on the spot, and was anxious to extend spiritual and Sunday-school instruction among the people about him. With respect to the better observance of the Sabbath, he admitted the difficulty of legislating on the subject, and believed that more good might be done in this way by the example of the higher classes, who should keep the Sabbath as Protestants were bound to keep it. In conclusion, the noble Earl said he should support the clause.

The Duke of *Richmond* observed, that the clause, if adopted, would not prevent Sunday travelling; it would only cause horses to be substituted for locomotive engines on that day. If the Bill were passed, a great benefit would be conferred on the inhabitants of Newcastle; it was better for them to take a trip on the rail-way, than to pass their time in beer-shops on Sundays. He agreed with the noble Lord in thinking that the higher classes ought to set an example of observing the Sabbath; and he objected to a clause which prevented the labouring man from riding on a rail-way, while a noble Lord might drive along the turnpike-road with four post-horses. Was it a greater breach of the Sabbath to ride on the rail-way than to go down the Tyne in a steam boat? The House would do well, if it legislated at all on the subject, to pass laws which would equally affect the rich and poor.

Lord *Wharncliffe* did not understand why a greater objection was made to travelling on a rail-way than on the turnpike-road to Greenwich, or any other place which the people were in the habit of frequenting for innocent recreation and amusement. In the case of great towns, where the inhabitants were frequently engaged in unwholesome employments, it ought to be an object to encourage not to obstruct the people in the pursuit of recreation and relaxation on Sundays, for the sake of their health. Such a pursuit would benefit them [physically, and not hurt their morals. He thought it desirable that the Sabbath should be properly observed, and in his opinion it was so observed at present. He opposed the clause as the beginning of a system under which he had reason to know it was intended to introduce similar provisions into every other Rail-way Bill.

The Bishop of *London* would not have said a word on this subject but for the principle laid down by the noble Baron who had last addressed the House, a principle which, if fully carried out, would go the length of declaring that Parliament ought to pass an Act for the increase and encouragement of Sunday stage-coaches, and to shut up the churches. The noble Baron's principle directly encouraged the poorer classes to employ their Sundays not for the purpose for which the Creator had given the Sabbath to man, but in recreation and amusement. He (the Bishop of London) was far from opposing a recreation of bodily strength any more than a cessation from intellectual labour, both of which were necessary, and might be accomplished by rest; but he protested against its being held forth as one of the main objects of a Government to encourage Sunday excursions. General legislation on the subject of the observance of the Lord's day was surrounded with difficulties. Unless there could be equal legislation, it was better to have none at all. But in reference to this clause, which differed entirely from an attempt at general legislation, there had been no complaint from the poorer classes of Newcastle or Carlisle, still less from the agricultural population of the county through which the rail-way passed, of any want of proper means of recreation on the Sabbath. There were these great differences between this and other modes of travelling, that it was at present a novelty, and would always be attended with excitement and rapidity, and the impulse arising from numerous and rapid assemblages on given points. Noble Lords ought to pause before rejecting a clause which did not take away any established amusement or recreation of the people, but merely removed a temptation and an obstacle to the performance of their moral and religious duties. As to the case of steam-boats, rivers were the established high roads of commerce, and the addition of a steam-boat created no new temptation; but here was a rail-way carried into a new part of the country, and offering a fresh temptation to the agricultural classes to neglect their duties. He quite agreed with noble Lords as to the responsibility of the rich, and the awful profanation occasioned by their travelling on the Sabbath, a practice against which he should always lift up his voice.

Their Lordships divided on the question that the clause be inserted—Contents 19; Not-contents 40; Majority 21.

Clause rejected.

Bill read a third time and passed.

HOUSE OF COMMONS,

Thursday, June 11, 1835.

MINUTES.] New Writ ordered. For Hull, in the room of D. CARRUTHERS, Esq., deceased.

Bill. Read a first time:—Education (Ireland).

Petitions presented. By the LORD ADVOCATE, from Traders of Edinburgh, against the Imprisonment for Debt (Scotland) Bill; from the Provost and Town Council of Leith, against the Seamen's Enlistment Bill.—By Sir HUGH CAMPBELL, the LORD ADVOCATE, Sir ANDREW AGNEW, Dr. LUSHINGTON, Mr. CUTLAR FERGUSSON, Captain WEMYSS, the ATTORNEY-GENERAL, General SHARPE, and other MEMBERS, a great Number of Petitions from both, for and against a Grant of Money to provide Church Accommodation in Scotland.—By Colonel GORE LANGTON, from Frome, Selwood, for the Repeal of the Duties on Newspapers.—By Mr. LABOUCHERE, from Cirencester, for further Restrictions on Beer-houses.—By Mr. BRODIE, from two Places in Ireland, in favour of the Church Establishment in that Country.—By Lord BRUDENELL, from Axholme and Kettering, complaining of Agricultural Distress.—By Sir GEORGE STRICKLAND, from Keighley, to Repeal the Sentence on the Dorchester Unionists.—By Sir SAMUEL WHALLEY and Mr. HENRY LYTTON BULWER and others, from various Parishes and Places in the Metropolis,—for the Repeal of the Window Duties.

CHURCH OF SCOTLAND.] Mr. *Wilks* said, he had to present a Petition against the grant of public money to the Scotch Church, from the committee appointed by the three denominations of Dissenters in London and its neighbourhood. He thought that after what the petitioners had done, and the Protestant Dissenters with whom they were connected, and whom they represented, to promote the cause of public worship and religious education, they could not be suspected of indifference to those objects. To promote religion and religious worship, and advance religious education, those Dissenters had expended hundreds of thousands of pounds, therefore he was quite satisfied that they could not be accused or suspected of indifference to the subject, nor suspected of resisting any contemplated grant on the ground of the amount. They resisted the proposed grant on principle. They had ever held that the preference of one sect over another was persecution, and they therefore now declared, when it was proposed to make a grant in favour of a peculiar body of professing Christians, that they must protest against any such grant of public money to any body of Christians. They deemed it right to oppose such grants—and they would exert all the power and influence they might possess—to resist any such grants, whether they were to the Presbyterians of Scotland, or any other body. In consequence of the grant to the Scotch Church having been on the one hand propounded, and on the other hand resisted, it had been proposed to issue a Commission, or to appoint a Select Committee to investigate the subject; but against any such appointment the petitioners begged leave to protest, because, by appointing a Commission or a Committee, they should consider that the principle of the right or propriety to make the grant, should it be found to be wanted, would be recognised. They would sanction no such recognition. It was a principle against which they had protested and struggled, and against which they must continue to protest and struggle, whenever it was directly or indirectly asserted. He regretted, in common with many other sincere friends of religion, that the question involved in the contemplated grant was mooted; but there was consolation in being obliged to resist it, derived from the fact that, though many Presbyterian Ministers might be favourable to it, there was an immense number of the people and Dissenters against it. And they again could not be considered indifferent to the subject—indifferent about the cause of religious education and worship, for they had, within the last century, built upwards of 700 places of worship out of their own funds raised by voluntary means. The petitioners further felt that as Church-rates were abolished in Ireland, and were avowedly to be the object of revision in England, there ought not to be this proceeding, which would in some degree continue as regarded Scotland what had ceased in Ireland and in England, or been much altered. The petition had his cordial concurrence.

To lie on the Table.

OATH OF ROMAN CATHOLIC MEMBERS.] Mr. *Ormsby Gore* presented a Petition from certain persons of the town of Oswestry, in the county of Salop, against the appropriation of any part of the revenues of the Church of Ireland to any other than strictly Ecclesiastical purposes. The petitioners further prayed that the oath now taken by Roman Catholic Members of Parliament on taking their seats might be so altered, that they should be incapacitated from voting on questions relative to the Church. They further urged that by their present oath the Roman Catholics swore not to disturb the property of the Protestant Church in the United Kingdom, as by law established, and that therefore they were precluded from voting on questions affecting the property of the Church.

Mr. *William S. O'Brien* said, he really thought that those Gentlemen who, on the presentation of such petitions as these, gave a cheer, and thereby conveyed their assent to the sentiments contained in such petitions, ought to come before the House and propound some resolution respecting the oath taken by the Irish Roman Catholic Members, rather than pursue their present mode of conveying the sentiments of their constituents in that House, on a question of vital importance to numerous representatives. He remembered the Debate on the Roman Catholic Relief Bill in that House, and he also recollected that when a proposition was then made that Roman Catholics should not vote on questions connected with the affairs of the Church, it was scouted; and for his own part, if he were a Roman Catholic, he would not take a seat on those terms. He entreated hon. Gentlemen who avowed their advocacy of them to bring the whole subject fairly before the House.

Mr. *Sheil*, though he agreed with the Chair that these discussions should be avoided on the presentation of a petition, yet he must, at the same time, as one of the Members of that House to whom this petition referred, express his disapprobation of it, as it conveyed almost an accusation of perjury, upon a large number of the Members of that House, against not less than thirty-five persons, who were exposed to that imputation. He trusted that the House would feel that such indulgence ought to be extended to him, whilst he shortly remonstrated against the course which had been adopted; and whilst he called upon those who assented to the opinions of the petitioners, to take, he would not say a bolder course, but one of a more candid character. He would not be caried away into a state of excitement, or use a tone of language which should display any acrimony; but, in a spirit truly Christian, he called upon hon. Members on the other side of the House, who had recourse to this expedient to excite a feeling against the Roman Catholic body, at once to bring forward a Bill to have the oath taken by the Roman Catholic Members explicitly determined. "Will you do so?" said the hon. and learned

Member. ["*Hear!*"] "The hon. Gentleman cries 'hear, hear.' He assents, then, to the justice of the observation as applied to a large portion of this House." When I gave notice of a motion on the Irish Tithe Bill, the hon. Baronet the Member for the University of Oxford, intimated that he would, when the matter was brought forward, offer an affront to the Roman Catholic Members of that House—(an affront it was, I will maintain)—by moving that the oath taken by them should be read. Let that hon. Gentleman bring in a Bill. "We put one interpretation on that oath, you put a different one on it. And what right have you to brand us with the crime of perjury, because we differ from you in our interpretation of the oath?" The first person who had commenced this charge against the Roman Catholics in that house was the hon. Member for St. Andrew's, and he wished that hon. Gentleman had been as explicit in his threat as he had been in pledges which he had given elsewhere. He repeated that first person who had re-introduced the subject of the Roman Catholic oath, who had put a construction of his own upon it, and had attached a strong censure upon a portion of the Members of that House, was the hon. Gentleman who was then sitting beside him. When that hon. Gentleman came in he was not charging him with a violation of a pledge in which his honour was deeply concerned; but he wished (as we understood) he might explain the oath, though not with the same latitude, but with the same conscientious feeling with which that hon. Gentleman had explained his pledge. He hoped he should be pardoned if he felt excited; he meant it not offensively, but with a view to the truth, he challenged any hon. Member to bring in a Bill.

Sir *Robert Bateson* said, that having been one of those Members who had dared to cheer, as an independent Member, and as a man not ashamed of what he cheered in that House, he must protest against the tone and language of the hon. and learned Gentleman, which were neither courteous nor parliamentary. In his opinion, freedom of language and freedom of debate were alike the privilege of every hon. Member; and he would tell the House, and the hon. Member too, that he had conscientiously cheered, because he agreed in the sentiments which were embodied in the petition. He did not contend, nor had he ever said, or presumed to say, how far the consciences of hon. Members were to be regulated; but he certainly was not ashamed to tell the hon. Gentleman his opinion was, that if he took the oath prescribed for Roman Catholics, he should think himself precluded from taking a part in discussions on matters connected with the Established Church, with regard to the appropriation of its revenues, or its management. He might be wrong, but such was his conscientious belief; and such being the case, he had cheered, because he applauded the sentiments of the Petition. He did not nor had he ever charged hon. Gentlemen opposite with perjury. He had never used any such unchristian-like language. It was his wish to be on good terms with all his Roman Catholic brethren.

Mr. *Finn* asked how it had occurred that this question of the Roman Catholic oath had never been brought under discussion until after the thirty-five Catholic Members decided the fate of the late Administration? On the discussion of the Vestry-cess, no question was raised upon it. But the fact was, that there had been a majority of ten on the Speakership, of seven on the Address to the Crown, and of twenty-seven on the Irish Church Resolution, which caused the dismissal of one Administration and restored another to power; and this was the secret of this animosity. The right hon. Baronet, who conducted the Roman Catholics' Disabilities Renewal Bill, when called upon by Sir Charles Wetherell to exclude Roman Catholics from voting on Church questions, answered that he did not wish to see the Roman Catholics in that House placed on a different footing from others with reference to their power to exercise their opinions and votes upon all occasions; and that right hon. Gentleman had never receded from that declaration; and though he had been taunted with having become a convert to Roman Catholic Emancipation, he had never meddled with the oath. He would mention an instance of the partial manner in which this subject was treated. Mr. Blount some time since published in the *Morning Chronicle*, an excellent letter on this subject, and that letter, which ought to have set the matter at rest, had never appeared in the Tory papers—such as the *Morning Post* and the *Morning Herald*. Such was the honesty of the Public Press.

Mr. *Andrew Johnston* hoped, after the personal allusion which had been made to him by the hon. and learned Member for Tipperary, the House would allow him to say one word. He had felt it his duty, during the last Parliament, to bring the oath taken by the Catholic Members before the House on two several occasions, and it was reckoned of so much importance, that, if he recollected well, the hon. and learned Member for Dublin brought forward the subject by a special motion on that occasion. He (Mr. Johnston) then stated, that he had the freedom to express his opinion on this very important question, and he agreed with the hon. and learned Member for Dublin, that if there was any doubt in the matter, the oath ought to be removed from the statute-book, so that no wrong interpretation might be put upon it by the country, or by the Roman Catholic Members of the House. He must, however, make this further observation; he did not admire the taste of the hon. Gentleman in bringing forward a matter in which he (Mr. Johnston) had been concerned. He could not see what reference the one question had to the other. But he would say, if he was to be bearded in that House upon a dispute which he had had with his constituents, he would call upon the hon. Member for Tipperary, if he was to be taunted on every occasion, he would call upon him, as he had called upon hon. Gentlemen opposite, to bring the matter before the House, and he would be ready to give an answer to any accusation which might be made. He had already offered his case to the House, and was quite willing to bring it before the House, if the House would allow him.

Mr. *O'Connell* said, he must do the hon. Member for St. Andrew's the justice to state that when he brought this subject forward he did it with courtesy of language, and from a strong sincere religious feeling; he differed from that hon. Member, but both were equally sensible of the solemn obligation of an oath. He (Mr. O'Connell) felt it his duty, then, not to let the matter rest, although the Attorney-General put the same construction upon the oath as he did. He thought it better not to suffer the question to rest, and had brought it before the House, in the shape of a motion to alter the oath. He was met by an almost unanimous declaration of the House. He considered what they had to say; if his interpretation of the oath was a wrong one, he then called upon the House to expel him; he called upon the Government to come forward and say whether he had misconstrued the oath, and to decide the question for ever; for if, indeed, it was such an oath as had been described, he would remain as he had done before for many years beyond the Bar of that House. The hon. Baronet, the Member for Londonderry (Sir Robert Bateson), had mistaken the meaning of the hon. Member for Tipperary. He did not taunt that hon. Baronet with cheering, but for not bringing forward a specific motion, instead of making an insinuation by his cheer. He thought that the hon. Member for Londonderry was not a wise theologian; he doubted his skill on that question. That hon. Baronet seemed angry at the language used towards him, though he did declare his own opinion that were he in the situation of the Roman Catholics in that House, he should think himself perjured; and yet he thought this was perfect Christian charity. The petition stated that the Roman Catholics swore not to use any privilege with which they might be invested for the purpose of weakening or overturning the Protestant Church as by law established. What was the meaning of this privilege? Did it come under the privilege or right to vote? Did it do so on the interpretation of the House? Let that question be decided. He would say, as a lawyer, that it did not. The contrary might be the interpretation of the House; if so, let them have the law clearly defined. The petition went on to say, that Roman Catholics ought not to vote on questions appertaining to the revenues of the Church; that was to say, that revenue and religion were synonymous terms. Such things might be in the opinion of the Londonderry theologians. His opinion was that religion was one thing, revenue another; the one was from God, the other not. Instead of the two being synonymous terms, nothing could be more contradictory. He would ask, would the Protestant religion end, if the revenues of her Church were lessened? But he had too much respect for the religion of many of his nearest and dearest friends and relatives not to spurn the idea that by the Protestant religion was meant pounds, shillings, and pence. If a question arose in that House upon the Thirty-nine Articles of the Protestant Church, upon the propriety of reducing them to nineteen, as had been done in America, he perhaps might not vote. But why did they encumber the Protestant religion with these revenues? Religion and revenue were separate things, and why should not the Church be rid of such unholy means? Devote the surplus revenue to the purposes of education. What was wanted more than to provide for the spiritual wants of the members of the Establishment? There was now a traffic in things which did not belong to the altar of God. Dr. Boyton had said that those Protestants who did not support the Church Establishment in Ireland were slaughtering the milch cow which supported the younger sons of the aristocracy.

Mr. *Charles Russell* protested against hon. Members having motives imputed to them. The hon. Member who had presented this petition had abstained from giving any opinion of his own on the subject; and all he had said was, that he believed the persons who had signed that petition to be highly respectable.

Lord *John Russell* was understood to suggest the inconvenience to public business by protracting this discussion.

Mr. *Ormsby Gore* regretted this discussion, nor did he intend to have said any thing which should militate against the good feeling of the House. He had been taunted for having brought forward this petition, which was adverse to the interests of Ireland. Ireland was the country of his forefathers; and he would not yield to any one of the 100 Members for Ireland in his attachment to, and anxiety for, the welfare of that part of the kingdom. He would state, which he was sure would not be disputed by the hon. and learned Member for Dublin, that in the debate upon the passing of the Catholic question, words relating to the security of civil and ecclesiastical property, which had been proposed to be inserted in the oath, were omitted; and the ground taken by those who opposed their insertion was, that as civil property was guarded, so was ecclesiastical property; and the right hon. Baronet (Sir Robert Peel), in opposing the proposition of the learned Member who brought forward such a Resolution, stated that it would be raising a distinction between ecclesiastical and civil property. Surely the hon. and learned Member for Dublin would not contend that, according to the words of his oath, he had a right to upset civil property. It was not for his party, nor for those who sat on that side of the House, to explain the oaths taken by hon. Members; it was they who had a doubt upon their minds respecting it who should bring in a Bill. With regard to what had fallen from the hon. Member for Kilkenny, he would say, that hon. Gentleman was mistaken in supposing that "they had never heard of the oath until the Catholic Members had been the means of changing the Ministry." He rather thought that such a supposition was contradicted by what had fallen from the hon. and learned Member for Dublin; and who stated, that he had already called the attention of the House to this subject. This proved, then, that the matter was not for the first time introduced since the late change of the Ministry. He could not sit down without again adverting to what had been said of himself, in reference to his connexion with Ireland. He had various properties in Ireland; and he had Roman Catholics as well as Protestants upon his estates. His tenantry were of both religions, and he defied any human being, whether he was an Englishman or Irishman, to point out an instance in which there had been a difference of treatment exhibited to either of them—where there had been eviction of Roman Catholics to place Protestants in their stead—and where he did not give to the old tenants that which he conceived to be their undoubted right, to remain on that land where their forefathers had been for generations before he was born. He flattered himself that he had as respectable Roman Catholic tenants upon his estate as any Gentleman in that House.

Mr. *O'Connell*, in explanation, observed it was quite true what the hon. Gentleman had stated with respect to the omission of the words "Civil and Ecclesiastical property" in the oath; but he wanted to know, would it be contended that he had not a right to legislate upon civil property—that he could not give a vote upon the administration of civil property? Was he to be precluded from voting upon the administration of corporation property—upon fines and recoveries? Why, if he were to be precluded from voting upon civil as well as ecclesiastical property, he could have no business to do as a Member of that House—[*Cries of* "*Spoke.*"] He had spoken—let them, if they could, answer him.

Petition laid on the Table.

IPSWICH ELECTION.] Mr. *Gisborne* said, that in rising to move that the Order of the Day for the further consideration of the Report of the Ipswich Committee be now read, he was aware that he had no claim again to address the House, but he hoped that he should be indulged while he made a few remarks, which he should endeavour to make as brief as the nature of the subject allowed.

The Order of the Day having been read,

Mr. *Gisborne* thought it necessary to make a few remarks in consequence of the right hon. Baronet opposite (Sir Robert Peel) having, on the previous night, said, that if he (Mr. Gisborne) could come down to the House, armed with the precedents for the plan which he proposed, the right hon. Baronet should not feel disposed to oppose his motion. Now it so happened that he came down, certainly not armed with many precedents, for he had been able to find but one precedent upon this point in existence; and he had to state, that he had come to the conclusion that there was only the one case—not on his own judgment and research alone—but after consulting with several gentlemen who had the best opportunities of knowing if any other precedents existed or not. The fact was, it was well known that in many cases the parties had absconded in order to avoid the Speaker's warrant; but it was a point very difficult to be brought home to the delinquents; and he, with the assistance of those gentlemen to whom he had already alluded, had been able to discover but one single case, and that had been alluded to last night by the right hon. Baronet, which bore directly upon the present case. The case to which he referred was that of Camelford, in which William Hallett was taken into custody on the ground of his having absconded to avoid being served with the Speaker's warrant. That was a case completely in point; and in all its circumstances completely analogous with the case of the parties who had absconded to avoid being served with the Speaker's warrant in the present instance. The difference drawn last night between the cases by the late Solicitor-general and another hon. Member, appeared to be perfectly untenable. They argued that a distinction was to be drawn between the parties who absconded to avoid being served with the Speaker's warrant, and those who neglected to appear after having been served with it. Now he could not see why a difference should be made between the man who was cunning enough to escape without being served with the writ, and the man who was sufficiently clumsy to resort to the desperate expedient of absconding after the writ was served. But upon this subject he begged to call the attention of the House to an authority which must have the greatest weight with that House—he meant the authority of the predecessor of the right hon. Gentleman who now filled the Chair. In the case which he (Mr. Gisborne) had alluded to, it happened that William Hallett, upon being taken into custody, alleged as an excuse for not obeying the Speaker's notice, that he had sustained severe bodily injuries which prevented him from doing so, and he alleged also that he had not been served with the Speaker's warrant. When this person was brought up to the Bar of the House, the predecessor to the right hon. Gentleman now in the Chair, addressed Hallett as follows:—" William Hallett, the offence for which you stand committed to the custody of the Serjeant-at-arms is of the most grave and serious description, insulting to the dignity and authority of the House, and an endeavour, as far as in you lay, to impede the course of public justice. You allege in mitigation of your misconduct, that you were not served with the order for attendance; this statement is doubtless correct, but you were reported by a Committee of this House, appointed to try the Camelford election petition, as having wilfully ab-absconded with a view to avoid the service of such order. Be not, therefore, misled yourself, and think not to mislead the House by so vain and futile a distinction. It is no extenuation of your misconduct, and no reparation to public justice, that you did not aggravate your offence by open disobedience. I will only add that this is an attempt that never can succeed in attaining the object at which it aims. The only result in which it can terminate, as it has terminated in your case, is in the disgrace and punishment of the individual who is hardy enough to venture upon it."* He was glad to have such authority as that in favour of the views which he (Mr.

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* Hansard, vol. xl., p. 1427.

Gisborne) entertained upon this subject. The Question before the House was, therefore, simply this:—First, whether the House should take any further cognizance of this subject? and, secondly, whether the House ought to take measures in regard to it immediately, or wait until the evidence taken before the Committee was laid before it? Now, with respect to the first of these questions, he considered that it was absolutely necessary that the House should, without any delay, take some decisive step. He said so the more emphatically, because one part of the argument of the right hon. Baronet last night was, that he did not believe that the parties in this case who had absconded were punishable by the House. It was absolutely necessary, therefore, that the House should settle this Question. It was necessary that it should do so, because it was the only way in which the House could vindicate its power. It was understood that by common law no redress could be had, and it was therefore to be shown that the House could vindicate its undoubted rights. He thought, therefore, that no course was left to the House to pursue, but that, such a report having been made by a Committee of its own Members, they should proceed to ulterior measures for the purpose of vindicating their own power. The second question was, whether they were to wait till the evidence taken before the Committee was before them, or whether, upon the Report made by the Committee, they should at once proceed to take steps to bring those persons to justice? He had no doubt that the former of those propositions was the proper course for the House to pursue. He thought that the resolution of the Committee was sufficient to justify them in proceeding instantly against the parties. It was not to be thought that it was proposed that those parties should be brought up to the Bar of the House by way of punishment. That was not the case; but they should be brought up upon the same footing with Hallet. He was not taken up by way of punishment, but in order to explain the position in which he was placed and to defend himself. That person had been brought to the Bar of the House, where he had been allowed to explain his conduct, and to give the best account he could of himself, as well as to bring what evidence he pleased in his own behalf; but he was not treated as a person guilty of the crimes imputed to him. This was the view which he wished all those Members to take of this Question who thought as he (Mr. Gisborne) did in regard to it. He wished that the evidence taken before the Committee should be left entirely out of view. For his own part he acted in this matter as if he knew nothing of the evidence taken before the Committee. He based his motion solely upon the report of the Committee, and he hoped that all who agreed with him would do the same; because if they once based the argument upon the evidence which had been taken before the Committee, they ought certainly to wait until the evidence itself was brought before them. He thought, therefore, that the Question simply resolved itself into this—whether they ought to proceed on the report of the Committee, or ought to wait for the evidence? and in his opinion they ought not to wait. There was one point which had been urged by hon. Members, as to whether the parties who were accused of absconding had been represented before the Committee or not. Technically speaking, he admitted that it might be said that they had not been represented; but could anybody say, that with all the evidence produced in favour of the sitting Members—with all the witnesses, counsel, and agents who were before that Committee, that the interests of these parties were not as completely represented as if they were themselves actually and legally before it? Could it be supposed that Sparrow and Clipperton, who were the agents for the sitting Members, and Mr. O'Mally, who was their counsel, were not completely represented? And did any hon. Member who then heard him, doubt that although (as the right hon. Baronet had stated) these persons were not technically represented that the evidence taken before the Committee was as much in their favour as in favour of the sitting Members: and that it was upon the evidence so given that the Committee had found that the one party was guilty of absconding, and the other of bribery and corruption? The Question, therefore, simply was, whether they, acting in the capacity of Judges, ought to bring those persons to the bar of the House; and he had no hesitation in saying, that there never was a case in which they were more called upon to do so. He had promised not to detain the House, and he would, therefore, at once state, that with its leave, he would propose to alter the proposition which he had submitted to its consideration last night. He proposed to alter his resolution, by leaving out the words, "for the said several and respective offences," which would do away with any appearance of the case of those persons having been prejudged. Being called upon suddenly to make a Motion upon this subject, he had taken the words of former precedents, but he admitted that it might be an improvement upon his Motion, if no difference was made in the cases of those persons who were reported by the Committee; he saw no reason, therefore, as the House was to act not upon the evidence taken before the Committee, but upon the Committee's Report, why any difference should be made between their case and that of the others who were reported. He would therefore move, that the names of J. B. Dasent, and John Pilgrim, be added to those whom he had formerly moved should be taken into custody, as he saw no reason why, in this view of the case they should be omitted.

Mr. *Patrick M. Stewart* said, that, with regard to what had been said by the hon. Member for Derbyshire, as to its being usual for any Member, placed in the situation which he (Mr. Stewart) had the honour of occupying—that of Chairman of the Committee, to institute proceedings against parties implicated, he hoped it would be in the recollection of the House that on the previous night he had declined making any Motion, on the ground of his having no instructions upon the subject from the Committee, and that he left the subject to the determination of the House, and would abide by its decision. He had now to state that he would abide by the Report of the Committee, and that he had no doubt that every Member of the Committee was also ready to abide by it, and vote in favour of the Motion of the hon. Member.

Lord *John Russell* thought that his hon. Friend, the Member for Derbyshire, had shown a sound discretion in leaving out the words which he had excluded from his Motion. He thought that it had been shown that the House had done well in taking a day to deliberate upon the subject, not only in order that they might have an opportunity of referring to former precedents, but that they might show that they had a sufficient regard for the case of the individuals; and he thought that the House was justified in taking those witnesses who absconded to avoid the Speaker's warrant into custody, as well as witnesses who neglected to obey the summons after it had been served upon them. If witnesses were allowed to get out of the way, justice would be impeded and the powers of the House would be ineffectual. On these grounds he thought that the House was justified in agreeing to the hon. Member's Motion, which was conformable to precedent, and therefore he cordially gave it his support.

Sir *Robert Peel* rejoiced at the delay which had taken place in coming to a decision upon this Question, and he was sure that there was no one in the House who would more sincerely rejoice at the delay than the hon. Member for Derbyshire himself, as it gave him the opportunity of making two important alterations in his Motion. He had contended that the House ought not to prejudge the case of these persons; and the hon. Member, acting upon that feeling, had omitted from his Motion the words "for these their alleged offences," thereby as far as possible avoiding the appearance of prejudging their case. Another alteration which the hon. Member had made was, that he did not now except any of those persons who were mentioned as guilty in the Report of the Committee from the effect of his Motion, but very properly included the whole. In both these points he thought that the hon. Member had materially improved his Motion. In the case of Camelford no charge was specified in bringing Hallett to the Bar; and the hon. Member, therefore, was in exact conformity with that precedent in omitting the words to which he had alluded. Considering also the terms in which the Speaker had addressed Hallet—and the Speaker was undoubtedly a high authority—he considered that the hon. Member was also justified in the course he had followed in that respect. Yet he could not help thinking, upon the whole, that it would be more satisfactory if the House heard the evidence before they ordered those persons into custody. And they had a precedent for that course. In the Grantham case, when a Motion was made that upon the Report of the Committee the person who absconded in order to avoid being served with the Speaker's warrant should be taken into custody, in that case the House did not order that the parties should be taken in custody upon the Report of the Committee, but it followed a course which he considered more conformable to justice. The House first heard the Report of the short-hand writer's note of the evidence taken before the Committee at the Bar of the House, and then it ordered the parties into custody. He thought that the same course should be followed in the present instance, as it would be more satisfactory, in a case where the loss of the liberty of a subject was involved, that the evidence should be heard. If the course now proposed was not simply preliminary, but assumed the offence charged, he thought the precedent of the Grantham case ought to be followed, and there was yet sufficient time for the House to adopt that course. He therefore repeated that he thought they ought to hear evidence at the Bar of the House. The hon. Member had alluded to the difference which he (Sir Robert Peel) had drawn between a person absconding before being served with a summons, and refusing to obey the summons after it had been served. He (Sir Robert Peel) could conceive a case where absconding was as criminal and dangerous as refusing to obey the summons when served; but the House ought to recollect that there was one manifest difference between the two cases. In the one case clear and undoubted evidence of the fact could be brought home to the individual, but the other was more difficult to be established. He admitted that where there was a conspiracy formed to abscond to avoid the Speaker's summons, the parties ought to be punished, but at the same time he felt bound to say that there ought to be evidence of the *animus* with which the act of absconding was performed; and all he contended for was, that evidence should be produced to show not only that the parties absconded, but that they absconded for the purpose of avoiding being served with the Speaker's warrant. If it were the opinion of the House that they should at once order these persons to be taken into custody without reading the evidence, he would not oppose the proposition; at the same time he thought that it might be as well to have the evidence read at the Bar. Before he sat down, he wished to ask the hon. Member for Derbyshire whether he intended to proceed against the Magistrates for a breach of privilege?

Mr. *Gisborne* observed that he had stated last night the course which he intended to pursue with respect to those magistrates, and with the permission of the House he would repeat what he had then said. He hoped that the House would agree with him that the case of the Magistrates was very different from that of the persons whose names were included in the resolution he had proposed, and that hon. Gentlemen would not oppose the present motion in consequence of the course he intended to pursue with respect to the Magistrates. He did not intend to propose that the same course should be pursued with respect to the Magistrates as to the other persons implicated by the Report of the Committee. The only reason which induced him to make this variation in the course of his proceedings, was that there was a difference in the words of the Committee with regard to them and the other persons. The Report directly implicated the conduct of the persons named in his resolution, but it stated that the Magistrates appeared to the Committee to be guilty of a breach of the privileges of this House. The Committee did not say that it was an actual breach of privilege, or in what degree it was a breach. Now he did not intend to propose that the course which he thought was unavoidable with regard to the other persons—namely, that they should be taken into the custody of the Serjeant-at-Arms—should be pursued towards the Magistrates, but the Magistrates should be called to the Bar to explain their conduct in this matter. He belived that this would remove the objection of the right hon. Baronet.

Sir *Robert Peel* was by no means satisfied that the House would be justified in calling upon the Magistrates to attend in this way. The hon. Gentleman might have some precedent for the course which he intended to pursue. He, however, wished to know, on the authority of the Chair, whether there was any instance in which the House had allowed any other tribunal than itself to judge or decide what was a breach of privilege.

The *Speaker* remarked, that it was competent for a Select Committee appointed to inquire into the merits of a petition, in an election, to report to the House that certain parties had in its opinion been guilty of a breach of privilege, but the House was not bound, by the Act of Parliament under which the Election Committee was constituted, to take up or act upon any of the suggestions or recommendations of the Committee as to a breach of privilege. The House always examined for itself as to whether or not the conduct of persons involved a breach of privilege.

Sir *Robert Peel* said the point then was, whether the House should pay so much regard to the opinion of this Committee as to act upon it in this case? He would not, however, mix this with the other case. They ought to have something like a *primâ facie* case before they proceeded to act.

Mr. *Montague Chapman* begged to remark, as a member of the Committee, that it did not give a decided opinion on the subject, but merely stated that it appeared to the Committee to be a breach of privilege. If it were not a case of breach of privilege, it at least was a case of gross negligence and inattention to the orders of the House. The conduct pursued had occasioned great delay and inconvenience to the Committee. There certainly was a difference in the amount of guilt of the persons named in the resolution. Two of the persons, namely, Dasent and Pilgrim, had given evidence before the Committee. The former individual had come forward to give evidence after some delay before the Committee, while the latter, who had given the most important evidence, had been taken into custody. He trusted that the House would not pursue these persons with the same measure of severity as they did the others.

Mr. *Gisborne* observed, that after what had been stated, he would not propose to proceed against the Magistrates before the evidence was printed.

The *Solicitor-General* agreed with the right hon. Baronet (Sir R. Peel) that it was becoming and necessary in every proceeding like the present to act only upon the very best evidence which could be got. But for that very reason he thought it was better in the present case to depend upon the Report of the Committee, who heard the evidence orally delivered, and had an opportunity of observing the demeanour of the parties, than to trust to the mere reading of the short-hand notes taken by the reporter at those proceedings. This opinion was strictly in accordance with the practice of the Courts, which always preferred an opinion founded upon evidence orally delivered, than upon a mere hearsay report of it. With respect to the case referred to by the right hon. Baronet, where it appeared the House caused the evidence taken before the Committee to be read to it, before it adopted any proceedings on the subject, he thought, though he would confess that he was not aware of the fact, yet he thought that it would very probably be found that the reason for the House's acting so in that case was this, that the Committee had actually made no report upon the subject, and that the proceedings before them were still pending. Therefore it was, perhaps, that, having no adjudication before them, the House was obliged to have recourse to the best testimony they could procure, namely, the report of the evidence taken before the Committee. He would observe that, as a lawyer, there were no proceedings which he viewed with a more unwelcome eye, or which the country more reluctantly took up, than cases of contempt. At the same time, however, he must express his opinion, that if ever there were a case of the kind which called for visitation it was the present one. There were five or six individuals, aided and abetted by the agents and solicitors of the parties engaged in the contest, and also, he was grieved to say, by a gentleman belonging to the honourable profession of the Bar, charged with avoiding, he would almost say by conspiracy, the service of the Speaker's warrant. The case was such that did it not actually come within the reach of a criminal indictment for conspiracy, it only escaped doing so by reason of some legal technicalities, the existence of which he regretted.

Lord *Stanley* agreed with the right hon. Baronet that the proceedings proposed to be adopted in the first instance by the Member for Derbyshire were not borne out by the case he had quoted as a precedent. The House, certainly, in the case of the Grantham Election, had proceeded to hear the evidence read over before they ordered the parties to be taken into custody; but, as the right hon. Baronet admitted, they had the case of the Camelford Election which exactly bore on the matter before the House. He felt bound, therefore, under all the circumstances of the case, to agree to the resolution moved by the hon. Member for Derbyshire, but he would not have done so if the hon. Gentleman had not consented to strike out the words implying the assumption of the guilt of the parties named; he did not think, however, that there would be any serious objection to the amended Motion. In the case of Grantham, referred to by the right hon. Baronet, there was this material difference from the present case. It was reported from the Committee to the House that although due diligence had been used to reach the person to be summoned, yet that the attempts had not been successful. A Motion was therefore made, to take the party into custody. That Motion was, after some discussion, withdrawn, and the short-hand writer who attended the Committee was called in and ordered to read the evidence taken before the Committee on the subject of the serving of the Speaker's warrant on Sir William Manners. It was then ordered that Sir William Manners be taken into the custody of the Serjeant-at-Arms. Subsequently, on the persons sent by the Serjeant-at-Arms failing in their endeavours to arrest Sir William Manners being reported to him, that officer and his assistants were called in and examined, and the result was, that the House came to the resolution—"That it appeared to the House that Sir William Manners had absconded in order to avoid being taken into custody pursuant to an order of the House: therefore that an humble address be presented to his Majesty that he will be graciously pleased immediately to issue his Royal Proclamation, with such reward as his Majesty shall think proper, for discovering, apprehending, and detaining the said Sir William Manners. * This person was afterwards apprehended and committed to Newgate. There was this difference between this case and the one before the House, namely, that in the former the Committee had not come to a resolution on the subject, but had merely ordered that the absence of the witness should be reported to the House. The parties, too, in the present case had gone out of the way so as to prevent their being taken into custody. There was, therefore, a broad distinction between the two cases; but the course now proposed to be pursued was completely borne out by the proceedings in the Camelford case. If it had not been for the precedent furnished by the case he had just named, he would have agreed with the right hon. Baronet as to the propriety of having the evidence taken before the Committee on the subject read at the bar.

The *Attorney-General* said, that he had been called upon last night by the right hon. Baronet to give his opinion as to the relative guilt of persons absconding from the service of the Speaker's warrant, and those who had had it served upon them and yet had not obeyed it. He remarked, on the spur of the moment, that he saw little difference in the magnitude of the offence. At that time he was not aware of the Camelford case, and of having the high authority of the late Speaker to support his opinion. In the matter now before the House, a *prima facie* case had been made out, and he was satisfied, from the reflection he had been able to bestow on subject since yesterday, that the parties were precisely in the same situation as persons against whom a Bill had been found by a Grand Jury, and were therefore in a situation which would justify their being deprived of their liberty. There was an analogous course of proceeding in Westminster-hall against persons who refused to obey the order of the Court. An attachment was issued, addressed to the sheriffs of counties, directing them to take the parties into custody, and when taken they had to appear before the Court to explain their conduct, and were liable to commitment to prison for contempt.

Mr. *Jervis* wished, before the question was put, to say a few words respecting an hon. and learned Gentleman who, by the decision of the Committee, was no longer a Member of the House, and, therefore, was unable to answer for himself. Many allusions had been made to a Speech delivered by Mr. Kelly before the Committee, but he was authorized by that Gentleman to say, that when he then spoke he appeared merely as an advocate, and he wished it distinctly to be understood that he only addressed the Committee in that capacity. He felt bound to say thus much in justification of the Gentleman he had alluded to, and he did it the more readily as they were political opponents.

Mr. *Patrick Stewart* also wished to remark, that, as the Chairman of the Committee, he had always understood that Mr. Kelly appeared as a lawyer, and not as a party in the case.

The Motion as amended, was agreed to.

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* Hansard (New Series) vol. ii. p. 292.

Charities.] Mr. *Harvey* rose for the purpose of moving that, "a Select Committee be appointed to examine and consider the evidence, in the several Reports presented to this House, from the Commissioners appointed to inquire concerning Charities in England and Wales, and also the measures which may be most effectually adopted to complete, at an early period, the inquiry relative to uninvestigated Charities, to report their opinion by what mode the Charity-funds may be most efficiently, promptly, and economically administered." Those who had upon other occasions, had the good fortune to hear the subject of Public Charities discussed, and the vast importance of dispensing useful instruction to all classes of the community, enforced in the rich embellishments of language and the persuasive charms of oratory, by the distinguished man who had first brought the subject before Parliament, would easily understand the feeling which induced him to disclaim an appeal which required the aid of resources to which he had no pretensions. Nor was it his purpose to emulate, however much he admired, those schemes of universal benevolence in which the learned author of the Commission, into whose labours he proposed to examine, had repeatedly, and even of late largely indulged. His aim was far less aspiring, yet he would fain hope, not less useful. His object was to pass from learning to labour—from speculative fancies to facts—from reveries, to things which had been revealed. It was, indeed, time that something should be known of a Commission, the labours of which were spread over seventeen years, and that a practical character should be given them. It was full seventeen years since the distinguished individual to whom he had alluded—an individual who had merged the powers of a patriot in the accidents of a peerage—brought under the notice of the House the state of Public Charities in England and Wales, and procured the appointment of a Commission, into the successive Reports of which it was his object, or one of his objects to examine. Unfortunately that Commission was crippled in its cradle, and its efficacy was to a lamentable degree impaired. Even in this House the measure staggered under the blows of a concealed hostility; but in another House the seeds of derangement, and well nigh of death, were sown. It was originally intended that the Commission should inquire, not only into all the Charities in the kingdom, but into the state of education amongst all classes; but it suited the wisdom of the hereditary council of the nation to pare down the most useful provisions of the measure, by restricting the inquiry to those Charities only which had immediate reference to the education of the poor—taking especial care to exclude from investigation all those institutions and endowments, whose profligate perversion and mismanagement—criminal in some, and censurable in most—originally suggested and justified the inquiry. At early periods of our history, the state of the education of the people, and the large endowments bequeathed for that object by the piety and beneficence of our ancestors, attracted the attention of our rulers and the Legislature. In the 43rd year of Elizabeth, an Act was passed which invested the Lord Chancellor with power to issue Commissions, from time to time, giving the most ample authority to inquire, not only into the state of public education generally, but also into the resources which were applicable to that object, and to administer prompt and efficient redress for existing abuses. In the time of the Commonwealth, there were upwards of eight-hundred Commissions issued under the Act of Elizabeth; and it appeared, that vast endowments had been devoted to the instruction of the people—the comfort of the aged and infirm—to whatever enlarges the boundaries of human knowledge, and contracts the range of human sorrow. Of those princely testimonies of the generosity of our sleeping sires, little remained save the slumbering records that such things were. From that distant period to 1786, scarcely any effort appeared to have been made by Parliament to rescue the offerings of charity, from the grasp of selfishness. In 1786, Gilbert's Act was passed, directing the parochial authorities to make returns of all the charities within their respective districts; but, whether by design or accident, it so happened that no compulsory provision was included in this Act, and the consequence was, as might have been expected from such a neglect, that many returns were sent in, but many more omitted, and that, of those which did come in, not a few were useless, from the omissions and inaccuracies which they exhibited. Things went on in this way till 1818, when the Act was passed to which he had previously referred. This Act, however, was crippled in its useful powers in the other House of Parliament, by the introduction of a clause prohibiting all inquiry into Universities and Public Schools to which visitors were attached. In 1831, another Act, founded on the Report of the Committee of 1818, was brought in; but here also the same fault of exclusion was continued, and the endowments of Universities and other Public Schools which had visitors were exempt from its operation. It would be well that, as in the natural world, they should also in the moral world have their harvest and seed time; as the seed of the Public Charities, by the bounty of the original founders, was sown many centuries ago, so it was right that the country should now expect to reap some fruit from them. There was one Report, voluminous beyond reason, drawn up with great labour and skill, submitted to the House on this subject: there was no subject of any great national interest that was not submitted to Committees of that House; and there was no part of the present Question that had not been sifted before them. That man formed but a poor estimate of the labours of a Member of that House, who judged of him by his exhibition on its floor as a speaker—who would barely consider the number or quality of the speeches reported for him. If he were barely to trace him to the threshold of the House, and take his measure from his exhibition there, he would judge of him most incorrectly. The Member who was often the most useful was the least ostentatious, as, in place of figuring in public, making speeches, his days and nights were devoted to the scrutiny of public questions, which required much research, much patience, and discrimination. His services were frequently unknown, unacknowledged, and unappreciated, while he was shedding the light of philosophy on questions of high national import, and exerting the force of his own intelligence for the benefit of his countrymen. The consequence was, that there was scarcely any subject respecting which a youthful Member of the House could not obtain more information by reading the Reports than he could expect to gather from the most finished oration of the ablest individual amongst them. Whether the Reports on Charities, as compared with some others, would exhibit a greater proportion of labour and expense than of worth, it belonged to those to determine who had read them. The inquiries commenced in 1818, and continued down to the year 1834, thus extending over a period of time unexampled in parliamentary history for an inquiry to last, and presenting a body of information, at least so far as they could be determined by the number of volumes, he might say altogether without precedent. He believed the result was, that these efforts, vast as they appeared, were yielding at present little or no return. Already was on the Table of the House the 28th volume, which consisted of about 800 folio pages. The expense of the Commission might be ascertained from a return which had been recently made of the amount of money actually advanced for the purposes of the Commission by the Treasury. According to this return, the sum so advanced was 210,000*l.* In answer to an inquiry which had been made of the printer of the Reports, he was told that the expense of printing each volume averaged 600*l.* or 700*l.* The printing of the Reports alone, then, cost the country something like 20,000*l.* Speaking in round numbers, it might be said that the Charitable Commission had cost a quarter of a million sterling. To ascertain whether it had been productive of a corresponding benefit, or whether it might be made so productive, was one of the objects he contemplated in the appointment of his proposed Committee. Wishing to confine his observations within as short a space as would render them intelligible, he would proceed at once to state what was the real result of the labours of the Commission. So great was the mismanagement, and above all the profligate plunder of the property belonging to the poor, as testified in those Reports, that it presented a lasting monument of the utter incapacity of our Courts to do them justice. He referred particularly to the Huntingdon Charity. Long prior to the year 1818, that Charity had been brought under the consideration of the Court of Chancery. It might be supposed, that the notice which had been taken in Parliament of the proceedings had somewhat accelerated them. What was the result? At this moment, the case was to be found in the Master's office. He would next refer to the Pocklington Charity, the original grant of which, for the instruction of the poor boys, amounted to the small sum of 1*l.* 4*s.* 10*d.* Lands of sufficient value at that time to secure this maintenance for those qualified, were devised to the Fellows of St. John's College, Cambridge. The value of the property, however, had increased to upwards of 600*l.* a-year, and it had been claimed that the boys should have a more suitable provision made for them. The trustees, however, whose profession was the education of the people, were not less alive to their own interest, and they contended that the miserable sum of 1*l.* 4*s.* 10*d.* was all that the Pocklington boys should still receive. The rest was appropriated by the Fellows of the College. An appeal had been made to the Court of Chancery; a deed was pleaded, and a demurrer allowed; consequently, the College of St. John, Cambridge—the learned divines, who would not suffer false sentiments of humanity to give interpretation to a question of law—enjoyed the 600*l.* a-year, but were quite ready to receive into their arms any lad who should apply for admission, thinking that he could manage to defray his yearly expenses out of the 1*l.* 4*s.* 10*d.* The next case he would mention was that of the Croydon Charity, which was brought under the notice of the House and the public by the noble Lord. He began by alluding to that case, which, flagrant as it was, was to this hour unredressed; the master was still receiving his salary without giving any labour for it: there were no pupils. Part of the funds were originally intended to be given to the poor of the parish; there were a few nominal paupers now receiving a stipend from the funds, which, from 2*s.* or 3*s.* a-week, grew, from the increased value of the property, to 28*s.* or 30*s.* a-week to each individual, so that they could now drink the health of the donor, and close their evenings in joyous potations. The next case was that of the Winchester Charity, which yielded little less than 14,000*l.* a-year, and which was to be applicable to the education of the poor. The terms of the grant were these, that no boy should be admitted on the foundation whose parent was a possessor of an annual property to the amount of 3*l.* 6*s.* 8*d.*; and there was a provision which stipulated that if, while any boy was on the charity, any circumstances occurred by which he became possessed of property of the value of 5*l.* a-year, he should be excluded from all benefit of the institution. Now he begged the House just to contrast the construction put on the grant in this case with that in the case of the Pocklington school to which he had adverted. It had been interpreted that 3*l.* 6*s.* 8*d.* of the day when the grant was made must now be considered to mean 66*l.* 13*s.* 4*d.*; and the consequence was, that the sons of persons who, from their station, ought to be sent elsewhere and to be paying for their education, were reaping the benefit of this splendid institution, which was originally intended for the instruction of the poorer classes alone. The number of scholars on this foundation was only seventy, so there was a sum of 12,000*l.* or 14,000*l.* a-year applicable to their education exclusively. The next case was that of Brentwood; but, as that was in the course of inquiry, he would not now further allude to it than to state that any reference to the Court of Chancery would prove a very inadequate remedy for the abuse which prevailed in that institution. He would next proceed to state to the House the results of the inquiry, so far as the documents before the House enabled him to ascertain. In some respects that information was most gratifying, not only as regarded its value, but also as affording the House an opportunity of judging how rapidly education was now advancing in this country. The charities of twenty-eight English counties had been inquired into, and the reports, so far as these charities were concerned, had been completed. It appeared that these twenty-eight counties contained—and the Reports gave a description of them—no fewer than 26,751 charities or endowments, having property of various descriptions connected with them. There were six other English counties, the charities of which had been partially investigated, and they amounted to 1,734. Such was at this moment the result of the labours of the Commission. Adding the 26,751 charities fully investigated in the twenty-eight counties to the 1,734 charities partially inquired into in the six counties, they found that there were 28,485 charities that had been brought under the consideration of the Commission. In twenty-four counties (those counties being twenty-four out of the twenty-eight in which the investigation was perfected) the actual amount of the charitable incomes arising from land and houses was 331,703*l.* a-year. In connexion with these charities, confined to these twenty-four counties, there was actually money in the funds, on mortgages, and in various convertible securities, amounting to 2,228,030*l*. Now, when he stated that there was such a sum devoted to charities in twenty-four of the counties of England, excluding Middlesex, he thought he made out a case calling for the attention of the House. There were, besides, twelve Welch counties, of which he would say nothing; six of them had been examined, and six remained to be. From the facts he had already enumerated, it might be inferred that there was a sum of 700,000*l*. a-year arising from these charities, and that the amount of property in strict connexion with charitable objects was little short of 5,000,000*l*. It further appeared, not by a Report of this Commission, but by a Return made to this House, in pursuance of a well-digested Motion of the hon. Member for Calne, two volumes of which, out of the three to be furnished, were already on the Table of the House, and were printed; and the third was promised; it appeared by that Return that in thirty-three counties there was a population of 10,000,000 persons; and in those thirty-three counties there were 2,277 infant schools, 28,311 day schools; and there was elementary information imparted at the day schools to 982,744 children. It would be most gratifying to the House to hear, with regard to religious instruction, to which general instruction should be subordinate, that there were in these counties 1,062,810 who were regular attendants at Sunday schools. It had been contended by the most sanguine calculators, that one in nine ought to receive instruction; but they now found that the number acquiring the elements of humble knowledge was one in ten, though they received it not from endowed schools, but chiefly from the gratuitous schools. The inquiry that he was about to ask the House to institute was a most important one. It was said knowledge was power. So it was, but it was a frightful power if not properly directed, if not tempered by judgment, if not guided by the moral and social wants of the community, if not turned into a channel, and, in place of being made subversive of, rendered auxiliary to the public weal. It might be said that there were remedies at law for the abuse of these trusts; so there were, in name. Too many of these cases were brought before the Court of Chancery; and there they were, many of them waiting for redress, and no less than eighty-eight cases had been already submitted to the Court of Chancery. He thought that one of the good effects of the Committee would be to dispel a delusion now very generally prevalent, that at length we were arrived at such a pitch of legal perfection, that it was only to knock at the door of the Court of Chancery for it to be opened; that the present practice contrasted in the strongest possible way with that of the time when they were led to believe that every thing was wrong, and that we only wanted the spirit of Reform to be set to work for every thing to be made right. He would call the attention of the House to some cases which the Commission had submitted to the attention of his Majesty's Law Officers. He found that the first case which the Commissioners brought under the notice of the Court of Chancery was in the year 1820; and really for so dry a subject, it was very entertaining to read the rise, progress, and history —he would not say the termination—of a suit in that Court. It was unfortunate that the first information filed in that Court under the authority of the Commission contemplated so small an object; but no doubt he should be told that justice ought to be done, though the amount were comparatively trifling. It appeared that there was a sum of 7*l*. which had been in arrear for several years, and which was chargeable on an estate in a distant county. It was for the recovery of these arrears that the information was filed; and it might have been supposed that the course to be pursued would be simple, that the case would be brought to a decision in a short time, and that the whole matter would be disposed of at a small outlay. Now, when this information was filed in 1820, he did not know whether the present Solicitor-General and the Attorney-General had been long enough in office to know the different cases which were brought forward in their official names; but he found it described as "The Attorney-General at the relation of John Adams, John Small, and others." The information was laid for the recovery of the arrears he had mentioned, issuing out of a close in Walsall, called Whitebread-piece. The whole amount of the arrears for which the Attorney-General, the Commission, and the powerful machinery of the Court of Chancery were employed, was 42*l*. He did not complain of the smallness of this amount, but he did hope to show that the Court of Chancery, instead of being a protection against wrong, was the champion of injustice. He had stated that the case to which he had adverted was first brought before the Court of Chancery in 1820; let the House now mark its progress. In 1828 the return was —the answer not yet put in. Thus eight years had elapsed and no answer. In 1829, when, no doubt, official zeal was a little sharpened by the inquiries that had been instituted, the report was—answer put in, bill amended, proposals made but not acceded to. He should have stated, that from the first return it appeared, that the amount of money paid by the Treasury for the bill filed without an answer, was 36*l*. 7*s*. 4*d*. In 1829 the business was still further accelerated, and the House would determine whether or not this could be reasonably attributed to an apprehension that periodical returns were likely to be called for. For eight years the case had slumbered, and now it might be thought prudent to exhibit a corresponding activity to make up for the previous loss of time. In 1829 there was a further charge paid of 23*l*. 7*s*. 10*d*. In 1830 the cause went to issue, and there was an additional charge of 3*l*. 19*s*. 6*d*. In 1831 there was a similar return. The costs were prior to the year 1831, 46*l*. 14*s*. Again, prior to the 23d of November, being eleven years after the original bill had been filed, an order was made, making the children of the party defendants to the suit. There the matter now rested. But he would pass from this case to that of Brentwood School, which was of great importance, and which had been most pointedly alluded to by the noble Lord when this subject had been formerly under consideration. Estates had been devised some two centuries back by Sir Anthony Brown for two purposes—for the education of the children of the inhabitants of Brentwood and the twelve neighbouring parishes, and also for the support of five aged persons in that and the adjoining parishes, who were to receive eighteen pence per week. At the time of the devise the property corresponded with the objects to which it was devoted—it yielded perhaps 100*l*. a-year; but at present it yielded from 1,200*l*. to 1,500*l*. a-year. It had been contended that after provision had been made for a certain number of boys to be instructed in grammar—that is to say, Latin and Greek—and for the five aged persons who were to receive eighteen pence a week, the whole of the remaining produce of the property rightfully belonged to the owner of the estates. The Attorney-General, however, had disputed, and properly disputed, the points. An information was filed in 1823 against the Master and Wardens of Brentwood School. The costs at that time amounted to 164*l*. 8*s*. 8*d*. In March, 1828, the return was, that the cause had been partly heard, and that it was to be further heard in the next term. In the Easter Term of that year the cause came on for further argument, but a reference was made to the Court of King's Bench, the costs being 197*l*. In 1830 the case which had arisen for the opinion of the Court of King's Bench was avowed to be set down for hearing at an expense of 108*l*. more, it having been in preparation the year before. After some further proceedings of a similar character, it was reported in 1835, that negotiations were going on, and still pending, and that the matter was to be settled by Parliament, if necessary. He would ask the Government and the House if a Court such as that before which these matters were thus brought were not a libel on the very name of justice? He might allude to other cases, but he had said sufficient to show the House what had been done by the Commissioners, what remained to be done, and the necessity which existed that attention should be called to some mode by which these charity funds might be more properly administered. He had now, he trusted, placed the House in possession of the three prominent points. He had apprised the House of what had been done by the Commission, what remained to be finished, and (what was the most important) he suggested that the attention of the Committee should be called to some mode by which those funds might be preserved, the rights of parties attended to, and justice speedily, cheaply, and impartially, administered; and though he had a plan of his own, which upon the Committee he should not fail to unfold, but which at present might be thought premature, he would say, that what the country wanted was a permanent Commission of public instruction to uphold the dignity of the law, and to be actuated entirely by principles of equity and justice. He might be allowed also to say, that for that object they need incur no expense. They had no fewer than three ex-Lord Chancellors, in the full vigour of intellectual accomplishment, and he remembered that Mr. Brougham had said in that House, that he attached such importance to that object, that even when he was the distinguished ornament of that House, having before him those bright honours and distinctions which he had since earned, he would willingly, said Mr. Brougham, give up his seat to be placed in connexion with that inquiry; and he could not fancy that that noble Lord might find subjects more worthy of him than the superintendance of those charities; and with the feelings which naturally accompanied the sense of receiving 5,000*l.* per annum without any equivalent, he would be pleased to give his gratuitous services to that object. He had no doubt that in the great work of benevolence Lord Lyndhurst might be made his compeer; and then if there was any difficulty from the prevalence of irritable feeling, there would step in the benignant temperament of a Sugden; so that they would thus have three ex-Chancellors enabled so essentially to serve their country. "And," continued the hon. Member, "though I make it no matter of complaint against the Ministers, knowing how they are at present burdened with the great objects of Municipal and Church Reform, which they appear to be carrying out in a spirit of great sincerity, knowing how intensely the feeling of the country is absorbed in that important subject, I will not express any regret, though I know that the object of my Motion is worthy of all acceptation, that their labours have not been specially directed to the education of the people, and the protection of these funds; but permit me to say, that at the time when Government is making strenuous exertions to confer upon the people the principle of self-government, when we are about to intrust many millions with Municipal authority, to whom is confided the trust and administration of these great properties—allow me to express my conviction, as one of their sincere and ardent, though unconnected supporters, that there is no subject which ought to be dearer to their hearts, which will reflect higher honour upon their Government, and shadow their future life with greater admiration than that they should expend their best abilities on the moral reformation and intellectual improvement of the people. The hon. and learned Gentleman concluded by moving, that a Select Committee be appointed to examine and consider the Evidence in the several Reports presented to that House from the Commissioners appointed to inquire into the several Charities of England and Wales; and also measures which might be most effectually adopted to complete at an early period the Inquiry relative to the investigation of Charities, and to Report their Opinion as to the mode by which the Charity Funds might be most efficiently, promptly, and economically administered.

Mr. *Wilks* was happy to second the proposition, which embraced a subject to which he had for some time thought it would be his duty to call the attention of the House. There was evidently a necessity for the appointment of a Committee pledged—not indeed to act, but certainly to consider whether there might not be some summary proceeding by which parties would be enabled to obtain justice in the matter in question.

Lord *John Russell* did not rise to offer any opposition to the Motion of the hon. and learned Gentleman, he thought it calculated to forward the object which was so desirable, of rendering the funds of charities more applicable to the purposes for which they were originally intended. It was undoubtedly the case that after the lapse of so many years from the time when attention had been directed to the subject, they yet seemed to be far from attaining the object which they had in view. With reference to the second part of the Motion —that which referred to a more wise and economical administration of the funds—he would observe that although that was undoubtedly an important object, he wished to guard himself against being supposed to imply that by the words of the hon. and learned Gentleman's resolution the House would be understood to have agreed to any general plan at all inconsistent with the original will of the founders of the various charities which were in existence. He was glad on the whole that the hon. and learned Gentleman had brought forward his Motion. The hon. and learned Gentleman had shown sufficient grounds for its adoption, and for inducing him to give it his cordial support.

Mr. *Wyse* said, that although not so nearly connected as the hon. Mover and his hon. Seconder with the subject under consideration, he must express his sympathy with them under the circumstances connected with the Motion. The great evil was not only the misapplication of the funds, but the encouraging a system of education totally inadequate to the present state of knowledge. It was obvious from the returns of 1818 that of the greater number of schools included in it, scarcely one-fifth were at present appropriated to the general purposes of education, but were restricted to the mere teaching of reading and writing, thus degrading the schools so that respectable persons refused to profit by the schools, and were obliged to remove their children. Not only was it necessary to propose to the Committee that they should see the funds properly applied to the purposes which the original donors intended, but suggestions should be offered to the Committee by which, without compromising the real interests of the charity, or offending against the original intention of the founder, means might be devised by which they might be made useful to the present generation in every purpose to which education could be applied. The middle classes of the country were especially deficient in education, and abundant means having been provided for improving that education, it was a great violation of the feelings of the people of England to allow those funds to be misapplied. He agreed also in another suggestion, viz. that it was impossible for any system of education in this country to be formed on a large scale without its being formed under the sanction of Government, or of some Board of Public Instruction. He hoped that hon. Gentlemen agreed with him in thinking that education should not remain in the hands of individuals alone, but should receive something like national existence, by putting it under the sanction of the State. The hon. Member concluded by expressing his acquiescence in the motion and his congratulations to the country on the probability of recovering considerable funds which might be devoted to promote public education.

The *Attorney-General* considered that, from the nature of his office, it might be expected that he should offer a few words on the subject of the Motion of the hon. Member opposite. He entertained no feelings of difficulty in expressing his entire satisfaction in the course pursued in moving for the appointment of the Committee. The seed was sown, and it should not be for want of any exertion on his part that the country failed to reap the harvest. During the labours of the Commission that had issued upon the subject of charities, he had used all his influence to bring in Bills as the inquiry proceeded, to amend the abuses that were exposed. Such Bills, brought in by him, had become the law of the land. The Committee about to be appointed, he would remind the House, would have two objects in view. The one would be to provide a means more summarily, economically, and effectually, to correct existing abuses. And here he would observe that those abuses not having been corrected, must not be imputed as a matter of blame either to him or his predecessors in office. The fault was not with them, but with the system. But to return. The other object the Committee ought to have in view should be the improved application of the funds of these charities. He did not concur in all the suggestions thrown out by the hon. Gentleman opposite as to the method hereafter to be adopted for their application. But he was most decidedly of opinion, that the Committee should bear in mind the change of time and circumstances, the increasing "march of intellect." This he considered, without acting adversely to the laws of equity or jurisprudence, or without infringing the true spirit of the wills of the donors, might be done, and a system of popular education be established, and carried on with the greatest success. He rejoiced that the Motion had been made, and was gratified at the reception it had met with.

The Motion was agreed to.

Mr. *Harvey* said, that the success of the inquiries of the Select Committee must materially depend upon the impartiality of the Members composing it. He should, therefore, defer the proposition for their nomination until he had consulted the noble Lord opposite (Lord John Russell) on the subject.

Nomination of the Committee postponed.

WINDOW-TAX.] Sir *Samuel Whalley* rose, pursuant to notice, for the purpose of moving a resolution declaring it to be the opinion of the House that it was expedient to repeal the Tax on Windows. In submitting the grounds upon which he brought forward the present Motion, he would begin by observing, that though there was no greater surplus expected in the present year than 250,000*l.*, yet applications for as much as the repeal of 5,000,000*l.* of taxes had already been made to the House, and he saw no reason why those who were interested in getting rid of the Window-tax, should not likewise put in their claims for relief. He had not the slightest difficulty in declaring his full confidence in the good intentions of his Majesty's Government, and he was perfectly convinced that they would carry into complete and practical operation every principle of sound and useful economy, and thereby relieve the country as much as possible from the pressure of taxation; besides, he was also convinced that the strong claims of the middle classes to relief would obtain from the present advisers of the Crown a just share of consideration, and that so soon as a surplus could be realized, it would be applied for the advantage of that important portion of the community. It was most gratifying to observe how rapidly they had proceeded since the passing of the Reform Bill, and if they were now only allowed a little breathing time from political agitation—if they could only rely upon the establishment of a secure and permanent Government, there could be no doubt that their advancement would be still more striking and apparent. At no period was the country so contented, so peaceful, so wealthy, so powerful abroad, and so happy at home, as since the passing of the Reform Bill. Notwithstanding the ironical cheers of some hon. Members opposite, he would continue to affirm what he had said, and to add further, that he was sure he carried the majority of the House with him, when he said, that a great degree of contentment did prevail throughout the country, and especially amongst the middle classes, who now entertained a hope of good and economical government, and in consequence of that expectation, did strenuously apply themselves to the prosecution of their individual interests, which it was their habit before occasionally to neglect for the sake of those objects which they considered themselves to have attained when the Reform Bill became the law of the land. Of all the various taxes of which the people had a right to complain, there was not one which more severely pressed upon them than did those direct taxes, amongst which the Window-tax stood prominent. It was a severe, almost an intolerable, pressure upon that which, to the middle class, formed one of the first necessaries of life. It was well known to hon. Members that the Hearth-tax was amongst the causes which led to the expulsion of the Stuarts, and one of the most popular acts of the reign of William 3rd. was when that monarch proposed its repeal to that House through his Chancellor of the Exchequer. He could scarcely call to the recollection of the House a fact which more strikingly exemplified that, than did the influence exercised upon the minds of the people, by the pressure of, or the relief from, direct taxation. It was reserved for Mr. Pitt, so distinguished for the imposition of taxes, to lay upon the community the great and grievous burthen of the Window-tax in its most oppressive form. In the year 1784, that Minister came down to the House, and entered into a calculation in which he estimated the amount of tea consumed in every class of house; he then told Parliament that the duty on tea was a most inconvenient and objectionable impost, at least to the extent to which it was then levied; that it led to smuggling, and on the whole he thought it ought to be materially diminished. He then told the House of Commons, that he proposed to make up the deficiency likely to arise from the reduction of that duty, by imposing one upon windows, in such proportion upon the several classes of houses as would be equal to the advantage they might be severally supposed to derive from the reduction of the duty upon tea. But the compact thus entered into was not adhered to, though it ought to have been most religiously observed. The feeling on the subject at that time was unusually strong, and amongst other modes of exciting popular indignation one wag stopped up several of his windows, inscribing upon the first, "Pitt's Works, vol. I.;" on the second, "Pitt's Works, vol. II., and so on. He would remind the House of the well-known anecdote of two great men of antiquity, one of whom thought himself much greater than the other, and condescendingly inquired what he could do to oblige him—the philosopher replied, "Stand aside, and let me enjoy the sunshine." Now, the House of Commons stood between the people of England and the sunshine—they deprived them of the light and air of heaven—enjoyments almost as necessary as food and clothing. It was much to be regretted that there should continue to remain any ground for the feeling which very generally prevailed out of doors, that the effect of all fiscal regulation was to oppress the poor and middle class, and to protect persons of rank and property. Every effort should be used on the part of the Legislature to obviate the effects of such a feeling, and, if possible, to unite the whole community in one bond of kindness. The repeal of the Window-tax would only involve a sum of 1,200,000*l*., and that deficit he trusted could be easily made up by economy and retrenchment. The farmer had been relieved from burthens to some extent, and he would ask why should not the shopkeeper be relieved also? He wished all this to be taken gravely into consideration by the Ministers of the Crown, in whose wisdom and justice he reposed the fullest confidence. He relied upon them because he knew that a liberal Government depended altogether upon the will of the people. In that he felt assured that the present Administration was strong, for if they were not strong in some such support they could never have borne up against the formidable opposition on the other side of the House, and the incessant plottings to which they were exposed in a different quarter. The hon. Member concluded by moving a Resolution to the effect, that in the opinion of that House it was expedient to repeal the tax upon windows.

The *Chancellor of the Exchequer* said, that when he considered the speech and the Motion which the House had just heard, he could not but feel that the hon. Mover came forward rather for the purpose of discharging a duty which he might conceive due to his constituents and to his own consistency, than from any expectation that that which he proposed could be agreed to, or that any sacrifice to so large an amount could, under present circumstances, be made. In the present Session any further reduction of taxation was utterly impracticable. At an early period of the present Session the right hon. Baronet, who was his predecessor in the office of Chancellor of the Exchequer, had told the House, that there was no reason to expect a surplus of more than 250,000*l*. Now, really, with such a prospect, it was too much to expect a reduction of 1,200,000*l*. He need only to call the attention of the House to that fact, for the purpose of showing that it would be impossible to give the slightest encouragement to the present application. He hoped, therefore, that the hon. Member for Mary-le-bonne would not think his Motion invidiously dealt with, if the same answer were given to it which had been used in reference to similar applications for the repeal of taxes—namely, that a compliance with such a demand greatly exceeded the powers of the Finance Minister. Applications, as the House must remember, had already been made for the repeal of the Malt-tax, the Assessed-taxes affecting agriculture, the duty on glass, the stamps on newspapers, and now the taxes on windows were to be repealed, and the additional duty on spirits. Those demands were so easily made, and they were so gratifying to constituents, that it became no matter of surprise that hon. Members should be forward in making them, but the House must be well aware that to resist the remission of any tax was always the most painful duty that a Chancellor of the Exchequer had to perform. It would be exceedingly gratifying, if it were practicable, to repeal all existing taxation. It would be impossible, however, to remit taxation to any amount at the present moment without endangering the public faith; and he was perfectly persuaded that the middle classes (to whom the hon. Member for Mary-le-bonne had principally alluded) were the last persons who would benefit from endangering the public faith. On these grounds he felt it to be his duty to ask the hon. Member for Mary-le-bonne to withdraw his Motion; otherwise he (the Chancellor of the Exchequer) must oppose it. He begged the attention of the House to one or two facts which he could not doubt they would consider material in the present discussion. Considerable reductions had taken place in the Window-tax. In the year 1820 it amounted to 2,578,000*l*.; at present it amounted to only about 1,100,000*l*., being a reduction of 1,478,000*l*. The number of houses in Great Britain was 2,850,000. Of that number, the number in charge to the Window-duty was only 380,000; so that 2,470,000 houses were exempt from the tax. The number of houses in charge to the Window-duty in 1820 was 968,000; the number at present in charge was, as he had already stated, 380,000; so that since 1820, the number of houses relieved from the Window-tax was 588,000. To this was to be added the consideration, that in 1832, the House-duty amounted to 1,491,000*l*., was totally repealed. He thought, therefore, it was evident that the interests of the class on whom the taxes in question principally fell had not been wholly neglected. In considering the expediency of repealing any particular tax, it was not the interest of one class that was to be considered, but that of the community at large; such was the answer that he felt bound to give in reference to the demand for relief on behalf of the agricultural body, and that remark he conceived to apply equally to the present case. He was not disposed further to encroach upon the indulgence of the House than to observe, that he was sure if the hon. Member for Mary-le-bonne would have the goodness to repeat to his constituents the reasons then assigned for resisting the repeal of the tax, they would be themselves the first to acknowledge the unreasonableness of further pressing the Motion.

Colonel *Evans*, although he concurred in the objections to the tax which had been stated by the hon. Member for Mary-le-bonne, yet, after what had been stated by the right hon. Gentleman, hoped that he would withdraw his Motion. At the same time, he trusted, that if the right hon. Gentleman could concede any benefits, however small, to the class of householders, he would not fail to do so.

Mr. *Robinson* had objected to the repeal of the House-tax, because it tended to relieve some of the wealthy classes. For the same reason he objected to the repeal proposed at present, the effect of which would be to relieve some of the wealthiest inhabitants of the parishes of St. Mary-le-bonne, St. George's, and St. James's, who at present paid much less than they ought to do.

Dr. *Lushington* had endeavoured that day to present to the House a petition upon the subject then before it, in which his constituents, though favourable to the Motion, did not think it proper to press it upon Ministers in the present advanced state of the Session, and under other existing circumstances. His constituents only wished that their claims to relief should have a fair consideration with those of other classes of the community. They wished that Ministers would take off those taxes that pressed the most on national industry, and hoped that they never would be induced to invalidate the national credit.

Mr. *Fector* observed, that the people would now see who their friends were. As an independent man—no man was more independent than he was—he should feel it his duty to take up this Motion if it should drop from want of zeal in those who ought to support it.

Mr. *Thomas Attwood* observed, that the Chancellor of the Exchequer said, that he could not afford to give up the Window-duty. The right hon. Gentleman should first see if his victims could afford to pay it. He rather ought to borrow money than continue such a duty. As to national faith, he did not believe that the repeal of the duty would be inconsistent with national faith; and was not the national faith pledged to the tradesman and the farmer as well as to the fundholder? National faith!—he called it public plunder. National faith!—he called it national shame and disgrace. If justice were not done to the people on that subject by the House, the people would do it for themselves. Others besides the fundholders were entitled to the protection of the Legislature; but neither the farmer had been protected, nor the labourer. Neither had landowner been better off, although he had been deluded by one corn-law after another, which had all ended, instead of protecting him, in swindling him out of his estate. The Chancellor of the Exchequer might be assured that he could better afford to abandon the tax than the tradespeople could afford to pay it.

Mr. *Ruthven* would not leave the Government in the lurch by voting against it on this occasion; and although this tax was bad, others that might be substituted for it would be worse.

Captain *Pechell* said, that although Brighton was the fifth town in the kingdom in the amount of the Window-tax it paid, he was sure his constituents had too much confidence in Ministers, and too little in their opponents, not to wait with patience for the relief which could be afforded them. He should, therefore, vote against the Motion.

Sir *Samuel Whalley* thought the gratitude of the inhabitants of Mary-le-bonne would not be so warm towards the hon. Member for Dover, when they learnt the party to which he belonged, as it otherwise might have been; and, notwithstanding that hon. Member's support, he trusted he should be allowed to withdraw his Motion.

A division, however, being insisted upon, the House divided—Ayes 16; Noes 204; Majority 188.

List of the AYES.

Brabazon, Sir W.
Bulwer, H. L.
Fielden, J.
Fleming, J.
Humphery, J.
Halse, J.
Hotham, Lord
Lewis, W.
Richards, J.
Rundle, J.
Scholefield, J.
Turner, W.
Wakley, T.
Whalley, Sir. S.
Walker, J.
Williams, W.

TELLERS
Attwood. T.
Fector, M.

THE CHURCH OF SCOTLAND.] Sir *William Rae* rose to move that the several Petitions which had been presented respecting the Endowment and Extension of Churches in Scotland be referred to a Select Committee. He assured the House that this subject had produced a very great sensation in Scotland. The petitioners felt it their duty to appeal to the Legislature with regard to it, finding from the silence hitherto observed that his Majesty's Government were not inclined to take it up. The right hon. Gentleman observed, that the number of the petitions (upwards of 300) was a proof of the interest taken in the subject, in that country. He himself had all along felt a most anxious desire for the discussion of the subject; and, so far as he could, he had given his poor aid and advice, to bring the matter under the consideration of the House. He thought he was not the less qualified to do so, as he happened not to be a member of that Church; and, therefore, in Scotland, a Dissenter, his anxiety thus would be free from any suspicion. The petitions which had come from Scotland were not the only circumstances, however, which proved the deep interest taken in that country for the success of the motion. In addition to their unexampled number, the petitioners had proved their attachment to the Church by the unexampled subscription of 65,000*l.* They came with that sum in their hands to the Government of the country, and said, "you are bound to keep up the Established Church, so as to furnish, to every person of its inhabitants, the means of religious instruction." But all they wanted of the country was, to assist them with an endowment, and for what object?—for that most important object—to secure such an income to the Church as might provide to all persons connected with the Church means of attending that Church. That was the real prayer of the petitions; and it was to be seen, whether the Legislature would be disposed to throw cold water upon those petitions which came forward in the shape in which he was about to lay them before the House. The right hon. Gentleman then adverted to the two different sources from which means were at present derived for dispensing religious instruction in Scotland: first, the Endowments of the Establishment made at the time of the Reformation, and which, from the great increase of population, had become totally inadequate; and, secondly, the voluntary associations of individuals who had erected numerous chapels all over the country, but whose assistance must, he observed, be confined necessarily to the higher orders of society—those who could pay for their seats—since it was impossible for those persons to build Churches and endow them too, without some aid to their voluntary efforts, which could only be afforded by the assistance of Government, and there lay the key of the whole Question. In Scotland, by the great increase of population, &c., a great number of persons were excluded from the Churches because they could not afford to pay the seat-rents. He was prepared to prove that in every town of importance in Scotland there were numbers who actually, for that reason, could not attend church. He would call the attention of the House to only two cases. The first was that of Glasgow, with a population, in the city and suburbs, of 224,000, of which one-half, about 112,000, were under twelve years; and he would ask the House, whether it was fit that the whole population under twelve years should be excluded from the means of religious instruction? But, leaving out altogether the one half, as children, for the other portion consisting of 112,000 persons, there were (Established and Dissenting) 77,000 sittings, leaving 35,000 people who could not attend Church however disposed, even supposing that the whole number of sittings were occupied. But then the seat-rents were 13*s.*, and the poorer classes could not afford to pay at such a rate for themselves and families; the consequence of which was, that they were ousted from all seats, and ceased to attend any place of worship. He knew it was sometimes said, that half the seats were empty. True, but how did that arise? From the people being ousted from the seats through their inability to pay the rents. It was plain, then, that the only mode of reclaiming them would be the establishing ministers in the crowded districts, who would visit the sick and aged, and instruct them privately; and thus by exerting a proper influence over the community, induce them to attend the chapels. In the city of Edinburgh not one-eighth part of the population attended the Churches, though there were numbers of seats unoccupied, till a voluntary association, whose petition lay upon the Table of the House, had built a Church with free accommodation for the poor, which was speedily filled through the influence of religious instruction diffused over the population. There was not a large town in Scotland which could not be proved to include a vast number who never attended Church at all, being excluded from the Church by the high seat-rents. whereas, with a minister to visit them in private, and instruct them in private, with free accommodation, a large congregation would soon be collected from all parts of the district. But the system of inducing people to become church-goers was unknown in Scotland; and the consequence of the deficiency in religious instruction was the vast extension of vice and crime, in proof of which he begged the attention of the House to the following returns, showing the number of persons committed for criminal offences in Scotland, for the four years previous to the years 1811 and 1835 respectively. It was as follows:—In

1807	67	1831	3,950
1808	77	1832	
1809	86	1833	1,898
1810	112	1834	2,711

The number of commitments was 342, average 83; for the four last years prior to 1835, the number was 8,559, average 2,139, being an increase of no less then twenty-fivefold. Let the House now look at the state of crime in England for the same period; for the first four years, the average number was 4,419, for the second period it was 20,179, showing an increase of fourfold. So that while in England the increase of crime in twenty-five years was fourfold, in Scotland, for the same period, it was nearly twenty-five fold. Whence did that difference arise? It could not be owing to the increase of population, for in England it was nearly double, nor to the state of the law, for though severe in Scotland, the number of respites in that country was one-fourth, while in England it was only one-fourth of the number of convictions, yet had crime increased twenty-five-fold in Scotland. With such results apparent to the Legislature, he would ask the House if it was prepared to refuse a remedy—that remedy being (as he was prepared to prove) the increased means of religious instruction. The petitioners who had addressed the House upon this subject had been numerous, and had also shown their perfect disinterestedness by the voluntary offer of aid from their private resources in furtherance of these views. They had come forward to endeavour to awaken a spirit actively on the subject, and in their efforts they had been assisted by the most eminent clergyman of the church of Scotland:—the reverend Dr. Chalmers had dedicated the noble powers of his powerful mind to the service, with a zeal almost unprecedented, contributing of his private fortune to the funds, while by his writings and his preaching he had roused all Scotland. The demands of the petitioners were so moderate, and the offer of assistance they had made to carry into effect their object, so laudable, that it was impossible any government could resist their entreaties in behalf of their poorer fellow-subjects in Scotland. The boon was small; all they asked was to increase the accommodation, and the number of free seats in these churches. They came forward for what? Why to ask a sum of somewhere about 10,000*l.*, to assist them to secure free accommodation in every crowded isle, in which a minister might be induced to settle. The scheme, as suggested by the petitioners, and supported as it was by the reverend Dr. Chalmers, might fail in its object, but he firmly held the opinion that complete success would follow its adoption. The scheme had met the approval of the general assembly of the Church of Scotland. Upwards of forty churches, by the exertions of these individuals, were now in progress of erection, and would the House withhold from them that small boon which he contended they had a right to ask? He maintained the country was bound to provide them with church room at its own expense; if they were to have an establishment at all, it must be formed so as to afford room to the poorest that walked. But that was not the extent to which they went in asking aid; all they asked was, that the House would assist them with endowments to a certain extent, that the debts of the churches might be reduced, and be made come-at-able to those persons who, they trusted in God, might be induced to become church-goers. He had proposed a Committee, as the only competent shape in which he could put his Motion. It was almost too great a concession to say he would yield so far as to submit the inquiry as to the facts he had stated to a Committee; yet even that he would embrace rather than the petitioners should be defeated in their praiseworthy object. Why the churches had been unfrequented by the lower orders, contrary to their former national habits, he would not stop to inquire. It was sufficient that he should prove, as he knew he could, that they did not go to church. He had hoped the Government would have seen that there was no necessity for an inquiry into facts so notorious. They had evidence stronger than any inquiry could produce, in the fact of individuals subscribing, at their own expense, large sums for the building of churches: it was clear they would not do so if not convinced of the real urgency of the case; and in his judgment, the case was so clear that he almost felt ashamed to ask for any inquiry, though from that inquiry he would not shrink. The question for the House to consider was not what seats were filled and what empty; but what number of people went to church, and how they might be induced to go who never went at all. And if a claim could be made out before the Committee, he would be among the first to give up the whole Question to them. He could assure that body of individuals, the dissenting interests of that country, that he bore them every good will for what they had done, and if it could be made out that they could accomplish the object, he would wish them well with all his heart. But he knew they could not; and that the country could never, by their exertions, be split into fractions, and each district provided with a minister and free sittings in the way which he proposed. The only object of the petitioners was accommodation for the poor, and that would be accepted with gratitude. He hoped sincerely, no attempt would be made on this occasion to get rid of the Motion by a side wind. He would appeal to the gentlemen of England not to throw overboard the religious instruction of the poorer classes of the people of Scotland, and he would remind all, that Scotland had fully contributed 1,500,000*l.* of the sums which had been charged upon the United Kingdom for the purpose of erecting churches in England. He could not believe that any gentleman of that country would think that the expenses of one country ought never to be borne by another; remembering particularly what sums had been voted to the Irish Church, it was only 10,000*l.* a-year for Scotland, which paid one-tenth of the whole revenues of the kingdom; that was the sum which had been trumped up to something "enormous," in order to deceive the people of Scotland. He was convinced that, when they saw the real facts of the case, there would not be an individual in that country who would not blush to be an opponent of a measure so called for, and so necessary to the well-being of his country, and he was confident that all the respectable portion of the inhabitants of that country would join in the prayer of the petitions. It behoved the members of the Established Church of England in that House, to remember that they had already incurred a moral obligation to the people of Scotland, and that this was the fitting opportunity to discharge that obligation. It would redound to their honour, and prove a blessing and a source of security to society at large. Scotland would then once more stand forth as a model to the world for piety, honesty, and sobriety. The right hon. Baronet concluded by moving, "that the petitions presented to the House relative to the building and endowing of places of worship connected with the Established Church of Scotland, be referred to a Select Committee, and that such Committee shall inquire, and report how far the building and endowing such places of worship is required for the moral and religious instruction of the lower orders of the people in Scotland."

Mr. *Pringle* rose to second the Motion. He said, that he felt that Scotland was entitled to ask that endowment which was proposed, on account of its important relation to this country; on account of the passage in his Majesty's Speech, which had been met by a desire on the part of that country to come forward with repeated subscriptions and meet the case. He trusted the cause would be very dear to Parliament. It was not often that Scotchmen pressed their affairs upon the attention of the House, and he assured the House that there was no subject which had ever come before it which was attended in that country with so much anxiety. It was of great importance that the House should know the amount which was asked. They maintained that it was the duty of every government to take care of the religious instruction of the poor. Now, the right hon. Baronet (Sir W. Rae) had shown that, in Scotland it was greatly deficient. They were willing to allow for that deficiency which the neglect of centuries had occasioned: the sum of no less than 65,000*l.*, which had been gained by voluntary subscriptions. And all they asked of the House was, to allow an endowment for the clergymen who were inducted into those chapels which they themselves had built: not to place them in ease and affluence, but to enable them to fill those chapels in which they were bound to provide accommodation for the poorer classes, in those districts in which the parishes were of enormous extent. Church-accommodation was not accessible to many parishes because of the distance, and in these situations it was impossible to accomplish their object without the aid of Government. That was, therefore, the whole of their claim. At the Reformation the parochial superintendence of Scotland was adequate to the population, and a sufficient number of ministers provided, who were resident in their localities; but from the great increase of population, it had been since rendered impossible; the churches, even where there were any, were inaccessible to any but the rich; and that country which was once distinguished for its high moral character, had been rapidly diminishing from the diminution of religious instruction and the want of parochial superintendance. How was that defect to be met? It was only to be met by going back to the original principles, and providing the same parochial superintendence which was formerly provided. The experiment had been made, and had completely succeeded. He acknowledged the great benefits conferred upon the country by the seceding churches, but they could not do all that was needful, there was no provision to be made by them in the more remote parts of the country, they could do nothing without remuneration, which the poor could not give; for instance, in the county of Sutherland, a large and popular district, there was not one voluntary church. In all the chapels, Established or Dissenting, the seat-rents were much higher than could be afforded by the lower classes; they necessarily, therefore, absented themselves, and all that was asked was endowments to make these evils not to destroy the exertions already made, but to meet the object which all had in view. He maintained that the Established Church of that country was a part of the system of government: the established relation between England and Scotland was part of the law of the land, and it was the duty of the Government to provide religious instruction for all the inhabitants of the country. He trusted, therefore, that he should have the assent of the present and of every other government to that principle. They came not for those who could pay, but for those who could not, and who were entitled to ask of the rich to enable them; he therefore, cordially seconded the Motion.

The *Lord Advocate* said, that after the statement of crime in Scotland, made by his right hon. and learned Friend, and after the opinion he had given of the importance of supplying the people of Scotland with buildings for religious instruction, it was surprising that he had not brought forward the subject long since. If it was of such a pressing nature, why did he let the first, second, or third week of the Session pass over without introducing his Motion, instead of waiting until the present time to do so? His right hon. Friend had said, that the opinion he had given was the result of long thought, and yet he had not introduced the subject before; but expressed his surprise that his Majesty's Ministers, after so many petitions had been presented to the House, did not come forward with some measure. Why had not the right hon. Gentleman come forward with the Motion before the present Ministers came into power? The right hon. and learned Baronet had dwelt with great pride and satisfaction upon the number and respectability of the petitions which had been presented to the House relative to the building and endowing of places of worship connected with the established Church of Scotland, and had urged that as a reason why the petitions should be referred to a select Committee. Now, to that he would reply, that considering the extraordinary exertions which had been made in every pulpit in Scotland, he was surprised that, instead of having 382 petitions on the subject, they had not had presented to them as many petitions as there were parishes in that country. It ought also to be recollected that there was a great number of petitions on the other side, which came from persons differing from the members of the established Church of Scotland, not in doctrine or in morals, but only in Church Government, and that that circumstance introduced no small difficulty into the decision of the question, whether a pecuniary grant ought to be made for the purposes advocated by the right hon. and learned Gentleman. He did not deny the importance of the Question which the right hon. and learned Baronet had raised: but how was it to be decided? A difference of opinion existed upon it in almost every parish in Scotland. He would take one of the petitions, presented by the hon. Member who seconded the Motion, from Selkirk, and this was signed by about 300 persons, while there was another petition on the Table which had been since presented which denied all the allegations in the first petition, and this was signed by nearly 600 persons. Now, how was the House to determine which petition was right? One party said that Church accommodation was necessary, while the other party declared it was not at all called for, but that it was matter of surprise to them that it should be asked for. And the same was the case with regard to most of the petitions; for most of them stated circumstances which were denied by other petitions. How could this question be investigated by a Committee up stairs? One of the inconveniences complained of in the petition was the situation of many of the parish Churches in Scotland; for instance, that they were placed in one corner of the parish. This, however, could not be ascertained or remedied by a Committee. According to the present law, the heritors were bound to keep the parish Churches in repair, but wherever situated, or however small, provided they were in repair, that was sufficient. The right hon. and learned Baronet said, that there was no remedy for the mischiefs which the present system generated, except by a grant of public money, but to whom, he would ask, was such a grant to be made, and from whose pockets was it to be taken? Would any man say, that the attendants on the worship of the established Church of Scotland were not as numerous and wealthy as those who composed the congregations which dissented from its doctrines? The right hon. and learned Baronet had cheerfully admitted the great aid which those dissenting congregations had of late years afforded to the cause of religion. If then such was the case, ought not the House to be reluctant to take money from the public purse in aid of a Church which the Dissenters said it was unjust to call upon them to support? The House was bound to respect the feelings of such men, for they had strong grounds for urging to the Established Church that they ought not to be called upon, contrary to their opinions and their consciences, to give to it that pecuniary aid which it was admitted that they gave at present in another way to the cause of religion. The fact was, that even among the Members of the Established Church of Scotland much difference of opinion existed upon this question. Many Members of the Establishment, who at first had signed petitions in favour of a grant of public money to the Established Church, had since seen sufficient reasons for changing their opinions, and had in consequence signed petitions against the grant, which at one time they were so anxious to obtain from Parliament. The House he repeated, ought not to forget that which had been so frankly admitted on the other side—namely, that the cause of religion had been advanced by the Dissenters from the Church of Scotland. He maintained that that Church ought to stand unimpeached in the face of the country, and that it ought not to take any measures which were likely to offend those who, though they differed from it in Government, did not differ from it in creed and morality. A grant of this kind, if given, ought to be given upon the urgency of the case; but how was the urgency of the case to be ascertained by a Committee? The House ought to deliberate well before it came to the conclusion of his right hon. Friend, especially as 79,000 Scotchmen had already remonstrated against it. The feeling in Scotland against such a grant was quite as strong as the feeling in its favour. Instead of yielding to the proposition of his right hon. Friend, the measure which he should propose would be a Commission to inquire into the whole subject. He should, therefore, move that "an humble address be presented to his Majesty, praying that he will be graciously pleased to appoint a Commission to inquire into the opportunities of religious worship, and into the means of religious instruction, afforded to the people of Scotland, and especially to the poorer classes of the community, whether they belong to the Established Church, or be of any other religious persuasion; and into the state of the law for repairing or building Churches; and into the funds which may now be, or which may hereafter become, applicable to that purpose." He was aware that to the issuing of Commissions it was objected that they were productive of delay and attended with expense. The objection to the expenses of a Commission could be easily refuted. Little reflection would show to Gentlemen that the Commission would be attended with far less expense than an inquiry before a Committee of that House. The Commission would have to inquire into facts; its duty would be to inquire into the means of religious worship and of religious instruction, whether belonging to the Established Church or Dissenters. The inquiry too should be directed to a point of importance omitted by right hon. Gentlemen opposite and that was, to the state of the law, as connected with the repairing and building of Churches, and which, in many parts of the country, was a pregnant source of evil. Another point of inquiry would be as to any funds applicable to the purposes of the Established Church. It was as a friend to the Church that he took the present course for he did not wish to see that Church excite an acrimonious opposition on the part of those with whom hitherto he had been on the best terms. It was his opinion that the inquiry he suggested would be attended with the best results, and would be conducive to the promotion of good feeling.

Sir *George Clerk* said, he had listened with great attention and with much disappointment to the speech of the learned Lord. With respect to the taunt thrown out against his right hon. Friend for not having brought forward a measure on this subject, the learned Lord had totally forgotten that this subject had formed one of the topics of his Majesty's Speech. His right hon. Friend (Sir R. Peel) had submitted a variety of measures to the House, which had met with a favourable reception; and in the Address to the Crown the House had pledged itself to take into consideration the state of the Church of Scotland, and the necessity of increasing the opportunities for religious worship to the poorer classes in Scotland. Could there be any ground, then, for the taunt of the learned Lord? The right hon. Baronet, the Member for Tamworth, had communicated many of his intended measures of Reform to the House, and he appealed to the House whether, if he had been prevented from proceeding in them, and from introducing others, by the great mass of business before the House, and by the loss of time occasioned by desultory conversations, the blame, if there were any, did not rest on the Gentlemen on the opposite benches. This was not the first time the subject had been brought before the House. In 1818 and in 1824 grants to the Church of Scotland had been proposed, though for certain reasons they had fallen to the ground. He regretted the tone of the learned Lord respecting the Established Church of Scotland, for the tone of his argument was fatal to the existence of all establishments. It had been said that meeting-houses had been built by Dissenters in Scotland; but, however praiseworthy might be the efforts of individuals, they did not absolve the State from the obligation of providing adequate means of worship for the people. He remembered an argument of the hon. and learned Member for the Tower Hamlets (Dr. Lushington), when grants for building of churches were opposed on that ground; he had said it was not to be endured that members of the Church of England were to be indebted to Dissenters for the means of public worship; and the same argument applied to the Church of Scotland. He (Sir G. Clerk) objected to this new mode of governing the country by means of Commissions. If a Commission of Inquiry was conducted without party spirit, he did not decry it; but coupling the speech of the learned Lord with the Motion to which it led, he could draw no other inference than that it was intended to hang up the question for a number of years. Some of the facts proposed to be inquired into, did not need inquiry at all; for example, the law of building chapels. If there was any doubt upon that subject, why did not the learned Lord introduce a Bill to explain it? He still trusted that the House might have some hope from the noble Lord, the Home Secretary, and that the Government did not adopt the sentiments of the learned Lord.

Mr. *Cutlar Fergusson* said, that the county he represented was unanimous in favour of the grant, and he coincided in their opinion, deeming it fitting that a grant should be made. The support of religion in a country drew after it the necessity of supporting an Establishment; and the principle of this Motion involved the question between those who were for a Church Establishment, and those who were against it. He should vote in favour of the Amendment, not for the purpose of throwing cold water on the subject; but as the facts of the case were disputed, they must be decided to the satisfaction of the country; and he was convinced they could not be so decided by means of a Committee of the House of Commons. He thought that the appointment of a Commission would be a better mode of arriving at the truth.

Mr. *Wallace* said, he had never been so much surprised as when he saw the notice of the right hon. Baronet for a Committee of Inquiry, as the intention was thereby evident of wishing to prevent the information being obtained for which the Returns he (Mr. Wallace) had moved for, and which had been ordered by the House. These Returns would show the real extent of the accommodation in the Established and Dissenting Churches, and therefore ought to be had before a Committee could enter on the question. Another important point was, the amount of unappropriated teinds, or tithes, and this was a subject which no Committee of this House could investigate properly. He had to tell the House distinctly, that a large amount of Church property in Scotland, was still in the hands of the landed interest, who, along with their forefathers, had had the good sense not to make over for Church purposes more than one twenty fifth part instead of one-fifth part, which they were bound by law to do, if it should be required, for the Church. He himself held Church Tithes still unappropriated in two parishes, and he would disdain to put his hand into the public purse while he had unapplied Church property in his pocket. Would the hon. Members opposite subscribe to the same rule. The right hon. Baronet had endeavoured to prove that the increase of crime was attributable to want of Church accommodation in Scotland, and to prove the increase he had quoted the number of commitments at two different periods, to this he had to object. In the first place he ascribed the difference in the habits of the poorer classes in large towns, to the distress and destitution brought on them by Tory misrule for half a century, which had reduced them to such a state of poverty as to be without proper clothing to go to church in; and it was a well-known fact, that Scots people would rather stay at home, even from church, than be seen of a Sunday without proper clothing. As to commitments, they partly arose out of the same cause, and very considerably from the greatly increased activity and zeal in the department over which the learned Lord had so long presided. This activity had been attended with an immense expense to the country; and however profitable it was in certain quarters, the few convictions which took place as compared with the commitments, would prove how wasteful the system was. He did not mean to accuse the learned Lord of any peculiar harshness in the administration of his office. It was the office and not the learned Lord he complained of; being ready to admit, with the exception of a certain period of a peculiar character, the office had been mildly administered by the right hon. Baronet. In speaking of Commissions, he could not but declare his conviction that no office in the State required more the supervision of a Commission than that of the Lord Advocate. He said this with perfect respect for his learned Friend who now so ably filled the office. He would not longer detain the House than to repeat his conviction of a Commission being the proper and only competent means of making an inquiry, especially into the teinds, of which a large amount would be found where least expected, and especially amongst the most wealthy of the titled Aristocracy, some of whom, although liable, contributed little or nothing at present to the maintenance of the Church.

Mr. *Gillon* said, he could not assent to the appointment of either a Committee or a Commission to inquire into this subject, without giving up a great principle, which he was by no means inclined to surrender. He conceived it to be utterly un-Christian in principle, and unjust in practice, to burden the members of one persuasion for the advancement either of the spiritual doctrines or the worldly emoluments of those of another. He was, therefore, inclined to meet the question by a direct negative. The right hon. Baronet had stated a deficiency of 30,000 in church accommodation at Glasgow; but in this statement he had altogether omitted the mention of 35,000 Roman Catholics, who would not accept of Protestant ministrations were they offered to them. When they were deducted, an actual surplus of accommodation would appear in Glasgow. After alluding to similar statistical returns regarding Edinburgh, he observed that he was far from denying that too many absented themselves altogether from the ordinances of religion; but how was this evil to be met? By sending Missionaries to instruct and convert the people, not by building more churches, while those already built were standing empty. But it was said that you must have more parishes and more endowed clergymen. In his opinion men, provided with endowments, were the least likely to display that zeal and diligence which ought to be the distinguishing characteristics of a Missionary in such a cause. The fact was, the clergy of the Established Church, who, from the mode of their appointment by patronage, and a degree of remissness on their part, had become unpopular, were now jealous of the progress made by Dissenters, and this was an attempt to put them down at the public expense. To show that this was the *animus* by which the Churchmen were actuated, he could mention that he had received accounts of various places in remote districts, where the Dissenters had erected churches, or preaching stations, which places, whatever might have been the amount of their previous spiritual destitution, had been totally neglected by the members of the Established Church. No sooner, however, had the Dissenters effected a settlement in these places than an attempt was made to dislodge them by building Chapels of Ease, or sending down Ministers provided out of the Royal bounty to oppose them, thus showing that the uprooting of dissent, and not the propagation of religion, was the object in view. But a great regard was professed for the spiritual interests of the poor. Every one knew that hitherto the Dissenters had been almost exclusively the instructors of the poor. Besides, the first use to be made of this grant of money, if obtained, was to endow the existing Chapels of Ease; thus relieving the richer classes of a burthen for which they were now responsible, instead of employing it in the instruction of the poor. In his opinion it would be better to apply all the existing endowments to this object, leaving the richer members of the Establishment to build and endow churches for themselves, than to tax the community, in order to increase the wealth and influence of a dominant sect, without regard to justice or reason. Would the Government listen to their friends, or would they attempt by weak concessions to conciliate their bitter enemies? The Clergy of the Established Church were inclined, almost to a man, to use their influence to undermine the present Government; they had been the enemies of all Reform. The Dissenters, on the other hand, had been the tried and consistent friends of public liberty. They ask no grant of money, not even to be relieved of the pressure imposed on them by the existing Establishment; they only ask to be protected against injustice and oppression. You may by such grants alienate the affections of the latter—by no concessions, however large, could you hope to conciliate the former. The Churchmen, instead of cultivating peace and good will among men, had lighted up the flames of religious discord in Scotland, which were now blazing with a force almost incredible. It was because he considered that an inquiry would only tend to perpetuate this rancour, that he conceived it better to oppose the Motion altogether.

The debate was adjourned.

HOUSE OF LORDS,

Friday, June 12, 1835.

MINUTES.] Bills. The Royal Assent was given by Commission to the Oaths' Abolition, and a great Number of Private Bills.—Read a second time:—Consolidated Fund.

Petitions presented. By the Duke of GORDON and Viscount MELVILLE, from several Places, for further Accommodation in Scotch Churches, and for Protection to the Established Church of Scotland.—By the Marquess of BRISTOL and the Earl of MORLEY, from Plymouth, and Bury St. Edmund's, against allowing Beer to be drunk on the Premises of Beer Shops.—By the Marquess of BRISTOL and the Earl of HARROWBY, from several Places,—for the Better Observance of the Sabbath.

EDUCATION.] Lord *Brougham* said, that it was in the recollection of their Lordships that the debate upon his Resolutions relative to Education had been postponed to the present time. He now proposed that the consideration of these Resolutions should be resumed on Thursday next.—[Several noble Lords said that that day was the anniversary of the battle of Waterloo.]—Oh! he begged pardon; he would not let the schoolmaster come in competition with the hero on that day; and if all conquerors fought with as pure motives, and for purposes as much directed to public advantage—[the Duke of Wellington bowed]—there would be less necessity than at present for arraying the schoolmaster against them. The noble and learned Lord then appointed Tuesday week for the further consideration of these Resolutions, observing that as there were some Resolutions in the House of Commons which embraced a part of his plan, and but a small though an important part of it, he wished to bring it as early as possible before their Lordships.

The Lords ordered to be summoned for Tuesday week.

LORD BROUGHAM'S PENSION.] Lord *Brougham* said, that he had had an opportunity, somewhat irregularly, but such as all their Lordships enjoyed, of knowing that there had been certain statements made in another place which were very complimentary to him, but which, as they were wholly untrue, he was most anxious to contradict. It was said that he now enjoyed a pension of 15,000*l.*; he wished he did: it was a pension of 5,000*l.*; and it was said that he enjoyed this pension merely for having had a large salary as Chancellor for the term of four years. He should have that pension if he had only been five minutes Chancellor. It was said that he gave up nothing for it; he gave up a larger, a much larger income. He was ready to take these parties strictly at their word, and if these excellent persons would send up a Bill enabling him to have again what he had given up—his practice at the Bar, he should—he meant it not offensively to their Lordships, whose good will and favour he was always anxious to conciliate, however unfortunate he might have been in his attempt—be the first person to second such a Bill, and further it in its progress through that House. These persons, these very persons, who, when he made an offer to take upon himself a most laborious office, in order to save the pension, these very persons were those who, by the clamour they raised, drove him, against his better judgment, to retract the offer he had made. He said at the time, "Now mark what will follow; these very persons who raise this clamour will be the first to complain of me for having a pension." They were the first persons to do so. He was not altogether idle. What he did was certainly voluntary; there was no necessity for him to perform any labour, but he had thought it his duty to assist as far as he could in the administration of the judicial business of this House. In that labour he had employed six or seven hours each day for a period of ten weeks, since the judicial business had commenced sitting five or six days during the week. He did not sit in that way in consideration of the provision he received, for he had a right to that provision; but he did sit to assist in the administration of the judicial business of that House, and no one could say that that business was inattentively, though it might be ill performed; for he believed that in no period had there been so many written judgments delivered as by himself in the course of this Session.

Subject dropped.

SLAVES IN THE MAURITIUS.] Lord *Brougham* said, that he had yesterday asked a question relative to slavery in the Mauritius, when his noble Friend the Secretary for the Colonies was not present. He now begged leave to repeat that question. There were 30,000 negroes in the Mauritius as slaves. They were made so by acts of piracy and otherwise; and he wished to know, first, whether any means had been adopted to effect their release; and, secondly, whether any steps had been taken to interpose a public decree, which should render it impossible for any one of the slaves thus detained to be taken into the account in the distribution of the twenty million sterling, which had been voted as compensation to the slave-owner.

Lord *Glenelg* said, that in order to answer the question put to him by his noble and learned Friend, he feared he would have to trespass for a longer period on their Lordships' attention than he could have wished. His noble and learned Friend had truly said that this was a most important and interesting subject, and he (Lord Glenelg) could assure their Lordships that no one felt its interest and importance more deeply than he did. His noble and learned Friend, however, had allowed that it was a subject surrounded by difficulties, and no one could more accurately judge of those difficulties than his noble and learned Friend. He (Lord Glenelg) offered this observation merely to show to their Lordships that the subject had not wholly escaped his attention, and that he was fully aware of the practical difficulties in the way of accomplishing the object which his noble and learned Friend seemed to have in view. Although he said this, he would be most happy to give his support to any measure by which the evil could be remedied; but he, at the same time, feared that the period for such a measure had long since passed. Their Lordships must all feel that the difficulties which surrounded the identification of any individual negro who had been illegally imported into the Mauritius were all but insurmountable. It was, he admitted, quite true that there had been illegal importations of slaves into that colony. The fact had been satisfactorily ascertained by the Commissioners who had been sent out there to inquire into the subject. And although they stated that this illegal traffic had been carried on to a considerable extent, they did not specify whether the number of negroes imported amounted to 30,000, or any other number; they mentioned no specific number. Now, besides the difficulty of selecting and identifying any individual negro who had been illegally imported, there were a great variety of other difficulties in the way; inasmuch as the importation of slaves into the Mauritius had altogether ceased during the last fifteen years. It had been his duty since he entered the office which he had the honour to hold, to examine into the facts connected with this question, and from the best information he was able to procure on the subject, he had arrived at the conclusion that since 1820 no importation of slaves had taken place into the Mauritius. It was in the years 1817, 1818, and 1819, that the first attempts to put an end to the traffic in the colony were made by Colonel Hall and Colonel Darling. Those officers did their duty admirably, and the result was, that an end was put to all further importation of slaves. In 1821, a treaty was made with the King of Madagascar, he being the great importer of slaves, the effect of which was, to put an end to any further importation. In 1826, another measure was passed relative to the trade, and which completely answered its purpose. He mentioned these facts, in order to show that they must go back for nearly twenty years to find out any individuals who had been illegally imported as slaves. The difficulty of proving the fact of illegal importation would, therefore, be very great; and this he said, not from any opinion he had formed himself upon the subject, but upon the authority of gentlemen who were well acquainted with legal proceedings, and consequently enabled to speak with accuracy on such matters. He was told that a negro who had been illegally imported was entitled to his freedom, because, never having been a slave, he had never forfeited his liberty; but then came the difficulty of proving such a case. It could not, as he understood, be proved in any Court in the Isle of France, and although an appeal might be made to the Court of Admiralty, he believed that such an appeal would not be successful, because, even admitting the negro to be evidence in his own case, still the confusion in which such testimony was proverbially involved, a confusion inconceivable to persons unacquainted with the character of such witnesses, rendered it utterly impossible to arrive at the truth. Until the Isle of France became an acquisition of this country, the slave trade was carried on there to a considerable extent; but he admitted that his noble Friend (Lord Ripon), when at the head of the Colonial Department, applied himself to this subject. His noble Friend commissioned a gentleman to go out to the Isle of France to ascertain whether or not illegal importations were still carried on there; and this gentleman, but not without great trouble and expense, succeeded in bringing several cases of this description to trial. The number of negroes thus proved to have been illegally imported amounted to from 400 to 500; but he (Lord Glenelg) doubted very much whether, if a similar attempt were now made, it would not be completely baffled. Indeed, he did not believe that it would be possible to arrive at any certain conclusion under such circumstances, which, no doubt, was the reason why the Government had not been able to follow up the course which his noble Friend had adopted. Now he (Lord Glenelg) lamented that such was the case, as he was as desirous as any one could be to arrest the evil. He did not, however, see how that could be done; but if his noble and learned Friend would suggest any means of effecting that object, all he could say was that it should have his best consideration. To show that he was not indifferent to the subject, he was ready to admit that even if one single instance could be established, it should be visited with the penalties of the law; but while he said this, he would, with their Lordships' permission, take the liberty of making one observation, which would go to show that slaves were not now in so wretched and deplorable a condition as formerly. He was by no means desirous of narrowing the feeling with which they were generally regarded, but it must be acknowledged on all hands that their situation since the passing of the Slavery Abolition Act was better than it had been at any former period. He had already admitted that if even a single case of illegal importation could be brought home, it would justify the interposition of the Government; but as the negro, whether slave or not, would have to pass through an apprenticeship before he received his freedom, it was, he must say, a source of consolation to think that the change which had taken place in the law had so far improved his situation, as he had now only to work seven hours and a half a day, and was amply provided with both food and raiment. While he said this, he wished it to be fully understood that if any cure for the evil could be discovered, he should gladly avail himself of it; but at the same time he thought that the representation came too late to enable the application of a remedy, as the Rules and Orders respecting the compensation to be given to the slave-owners must have reached the Colony in January or February last, and were now actually in force. For these reasons he should be reluctant to take any step at present upon the subject; but, with respect to the question of compensation, he certainly should regret extremely that any person who had taken part in the illegal importation of slaves should also share in the compensation to be given to the *bonâ fide* slave-owner. He feared, however, they were precluded from raising the objection by the Slavery Abolition Act;

but if that were not the case, all he could now do was to repeat his readiness to consider any suggestion on the subject which might be thrown out.

Lord *Brougham* must say, that if we were to pay 500,000*l.* or 600,000*l.* in respect of illegally imported slaves, or in other words, for felony and piracy, it would be one of the most hateful operations ever perpetrated in the financial concerns of this country. He was not sure, however, that we should not be compelled to do something of this kind, but thought that means might be found to narrow the amount of this species of compensation by instituting a proper inquiry on the spot. He had received suggestions on this subject from persons acquainted with the Mauritius, which he should refer to theColonial-office, in the hope that they would not be discarded till they were found after mature consideration incapable of producing the effect which their authors anticipated from their adoption.

The Earl of *Ripon* said, that when in the Colonial-Office he had applied his attention to this subject, and, acting on information communicated to him by persons well acquainted with the Mauritius, he gave instructions to facilitate the bringing cases of illegally imported slaves before the Court of Admiralty. The result of the inquiries made had been more efficacious than his noble Friend supposed: for before his instructions were sent out upwards of 1,200 individuals had been released. How many more were liberated after the new instructions went out he could not tell. [Lord *Glenelg*:—I believe 500.] Very likely. With regard to compensation, if it could be proved in reference to any one person that he had been illegally imported, the owner could not claim compensation on account of an individual who, though held in slavery, in point of law never was a slave. He admitted that proof of the fact would be attended with incalculable difficulty. However, he again said, if it could be shown that an individual had been illegally imported, neither on account of him nor of his descendants was an owner entitled to compensation. The whole slave population of the Mauritius did not exceed 65,000, and he thought his noble and learned Friend had overstated the amount of compensation for illegally imported slaves when he fixed it at 600,000*l.*

Lord *Glenelg* said, that from 1810 to 1826 nearly 3,000 persons held in slavery had been liberated; but those were slaves captured by our cruisers or illegally adjudged.

SPANISH AUXILIARIES.] Viscount *Strangford* wished to inquire of the noble Lord at the head of his Majesty's Government, in reference to an Order in Council recently published in the *Gazette*, by which British subjects were permitted to enter into the service of the Queen of Spain, whether the Government of this country contemplated making any provision for the widows and families of those persons who might perish in the contest which they were thus invited to engage in, or whether the Spanish Government intended to take that care on itself?—Or, if neither the British or Spanish Governments meant to take this course, he wished to know whether it was intended that the widows and orphans of persons who might be killed, or the families of those who should be disabled by wounds from earning their livelihood, were to be thrown as a burthen upon the parishes of this country.

Viscount *Melbourne* said, it would be more convenient, if notice were given of such questions as that just proposed by the noble Viscount. Those British subjects who might enter the service of the Queen of Spain under the permission recently promulgated must look to the Government they were about to serve, and not to the Government of this country, for any provision which was to be made hereafter, and take all the chances of the service which they entered with their eyes open; they could have no claim on his Majesty's Government, and must depend upon other means.

Viscount *Strangford*.—That is, they or their families must come upon the parishes in England.

The Duke of *Wellington* gave notice, that he should move on Monday for the production of the *London Gazette*, for the purpose of drawing a more distinct explanation from the noble Viscount on the subject referred to.

The Marquess of *Londonderry* hoped that the Order in Council would be taken regularly into consideration.

CANADA COMMISSIONER.] The Earl of *Aberdeen* said, that he had hitherto abstained from putting any questions on the subject of Canada, and had avoided entering prematurely upon the consideration of that important topic, from a desire not to embarrass noble Lords opposite in the consideration or performance of their duty, but having seen in the *Gazette* the appointment of a noble Lord to the office of Governor of the Colony, he thought the time had arrived when he might advert to the state of Canada. It was due to the importance of the subject and just to the House and to the country, and a duty which he owed to himself from what had taken place formerly in reference to it and to the pledges he had given on the matter, to state what was the condition of the question at the time when the late Government resigned office. He also thought it only fair to noble Lords opposite, especially to the noble Lord at the head of the Colonial Department, to afford them an opportunity of stating, so far as they might think consistent with their duty, the course which they proposed to adopt in relation to Canada. Important as the subject was, he was aware that it now excited comparatively little interest in the House, but he was much mistaken, if, in a short time, it would not be pressed upon their notice, he hoped not under circumstances of additional pain and difficulty. He would not detain their Lordships with a minute narrative of the differences existing between this country and Canada, but would only advert shortly to what had taken place in the course of the last year. Early in last year certain Resolutions were passed by the House of Assembly of Lower Canada—twenty-two Resolutions—embodying a number of grievances, and containing various subjects of complaint, comprising much recriminatory matter against the local Government and the Government of this country. These Resolutions came before Parliament, and were in April, last year, referred to a Committee of the House of Commons, which examined the subject and continued their labours for upwards of three months, having before them every document that could be afforded by the Colonial Office, and all the evidence which it was possible to collect. The Committee made their Report on the 3rd of July. In that Report they declared no opinion of their own in reference to the subjects contained in the Resolutions, but lamented that much misconstruction of the measures of Government appeared to prevail in the colony, and referred it to the Government of this country to adopt measures calculated to clear up those misconstructions and restore harmony. From that time till the dissolution of the noble Viscount's Government, he did not think any step had been taken in furtherance or execution of this recommendation. True, a right hon. Gentleman had stated, that on the very day of the dissolution of the Government (the 15th of November) he did address a despatch to Lord Aylmer, in which he informed his Lordship, that he was prepared to send him full instructions on all points at issue on the next day but one—the 17th; but lamented that the dissolution of the Government prevented him from doing so. Now, whatever might have been the opinions and intentions of that right hon. Gentleman, it was impossible that any such instructions would or could have been sent out for some time. When he succeeded the right hon. Gentleman, in the office of Colonial Secretary, he found no vestige of any such instructions—no record of any proceedings on the subject in the Colonial Office. Having entered on a subject entirely new to him, and without the aid of any knowledge of his predecessor's intentions, he lost no time in making himself as conversant with the Question as he could, and after due investigation, and the lapse of a certain period, did address a despatch to Lord Aylmer, in which he announced the intention of Government to appoint a special Commissioner for the purpose of investigating and redressing all the grievances submitted to his consideration; and at the same time he gave the noble Lord a general view of the spirit and tenour of the instructions prepared for the guidance of such Commissioner. That despatch the Governor communicated to the Canadian House of Assembly; it was printed in the provincial papers, had since been copied into the English journals, and probably such of their Lordships as took an active interest in the subject had seen it. He trusted that no blame could attach to the spirit of the measures which the late Government had it in contemplation to adopt. A noble Lord was finally selected for the important office of Commissioner, but when the noble Lord's instructions were far advanced, it became apparent to him (the Earl of Aberdeen) that possibly he might not have to direct the execution of them. Under such circumstances, he might have declined to proceed further, and left the matter as he found it; however he thought it his duty to bring the whole subject to a state of completion, whatever might be the result, and leave it in as complete a state as he could, in order that noble Lords opposite might be able to execute it, if it should not be his own fate to do so. The instructions were completed. Having formed his own judgment upon all points at issue, having received the concurrence of his colleagues in the proposed course of policy, and finally, having obtained his Majesty's consent, he said the instructions were completed and given into the possession of the party who was to execute them in the first week of April. Had his noble Friend (Earl Amherst) proceeded in the execution of his duty under his noble successor in office, he should have been most anxious and ready to take any share of the responsibility for the instructions issued. If any alterations had been necessary, or if any fresh instructions conceived in the same spirit as his own had been suggested by the noble Lord (Lord Glenelg), he should have been most happy to have co-operated with him. However, noble Lords opposite adopted a different course. He would not enter into a detail of the nature and form of the instructions —it was sufficient to say, they were in strict conformity with the declarations he had formerly made in the House, and embraced the largest possible measure of conciliation, consistent with what was indispensable for the maintenance of the King's dominion in the province. Short of that point, the instructions proceeded on a principle of the utmost liberality. When he talked of large and liberal concessions, their Lordships were not to presume that sacrifices were to be made by this country, for it would be unjust to infer that what was conceded to Canada was lost to England. He could not conceive what interest this country could have in refusing large and liberal concessions—Legislative Assemblies were not to be treated as children, and entirely directed from this country; but should be left to the enjoyment of the utmost freedom, consistent with the maintenance of the King's dominion. Of what use were Legislative Assemblies, if they did not relieve the parent State from the responsibility and difficulty of constant interference in their concerns? Noble Lords opposite, however, did not think it advisable to adopt the course which he was prepared to pursue, and had therefore assumed the entire of that responsibility, which he should have been happy to have shared with them. He must confess, it was not without apprehension that he looked to the consequences of this change of proceeding. If the noble Lord had thought fit to act on his (the Earl of Aberdeen's) decision, much delay would have been avoided, which he feared was now likely to be attended with mischievous effects. Lord Aylmer in consequence of the information, that a Commissioner was going out, convened an extraordinary meeting of the Legislative Assembly for the 30th or 31st of last May. The Assembly would have met by this time, and if the noble Lord (Lord Glenelg) had acted on his predecessor's determination, the noble Earl (Earl Amherst) would have arrived in the province about this time, and entered at once upon a course of conciliation. As matters stood, the Assembly would have met before now, and the Governor would have had no option but to dissolve it, a course which he apprehended could not but be attended with bad effects. He could not help expressing regret that the person intrusted with the important office of Commissioner should have been changed—an observation by which he meant nothing invidious to the individuals now selected for the duty. He had been given to understand that noble Lords opposite expressed themselves desirous that the noble Earl (Earl Amherst) should continue to hold the office to which he had been appointed by their predecessors; if so, he must say, that rather extraordinary means had been resorted to to insure compliance with their wishes, for Ministers had adopted a course which rendered it impossible for the noble Earl to continue in the situation. He thought they could have expected no other result than the noble Earl's resignation, from the steps which they had taken. He begged to say, that the appointment of the noble Earl was not a political step on his part. He had no political connexion, and very little personal communication, with the noble Earl. He believed the noble Earl was a supporter of the Government of which the noble Viscount formed a part; he was certainly a member of his Majesty's household during that Government. He did not mention this as forming, in his opinion, any special qualification of the noble Earl, or any recommendation to his (the Earl of Aberdeen's) favourable opinion—not at all; but what did recommend the noble Earl to him was the knowledge he possessed of the noble Earl's sound judgment and discretion, of his long experience in public life, and the high offices the duties of which he had discharged with great credit to himself and advantage to the country. And, above all, the noble Earl was recommended to him by his amiable character and conciliating disposition. These were the considerations which induced him to select the noble Earl, and after the appointment, in giving his opinion and explaining his views on the subject to the noble Earl, he had seen enough to induce him now to say that he had never been instrumental in any appointment with which he had more reason to be thoroughly satisfied. As to the course now proposed to be taken, the noble Lord (Glenelg) would explain his intentions so far as he thought fit. He saw that a Governor and Captain-general of our North American provinces was appointed, and thence he was naturally led to conclude that there was no intention to send out a Commissioner, for if he could have prevailed on himself to recall Lord Aylmer, he never would have thought of sending out a Commissioner. However, from what he had subsequently heard, a Commission was intended to be sent out; a course which appeared to him not only useless, but worse than useless. It might be a fit thing in this country in moments of timidity, in order to get rid of a difficulty, to appoint a Commission of Inquiry, which he understood the new Commission was to be; but in this case a Commissioner ought to go out ready to act, and a Commission of Inquiry was worse than useless. It was competent to and incumbent on the Government to decide at once on all important matters now at issue in Canada; there were but few, and those trifling matters, on which further inquiry was required. However, he spoke in the dark on this subject, and should be still happy to hear what explanation the Government could offer. He had not brought the subject forward in a feeling of hostility to the Government; he did not disguise his apprehension that the course about to be taken, if he understood it aright, was not so calculated to lead to a favourable result as that which the late Government contemplated; but he still hoped he might be mistaken in his fears, and, in or out of the House, he should never be wanting in any efforts in his power to forward a favourable termination of existing difficulties. In conclusion, the noble Earl moved for a Copy of the Commission by which his Majesty had been pleased to appoint the Earl of Gosford Captain-general and Governor-in-chief of the provinces of Upper and Lower Canada.

Lord *Glenelg* offered his acknowledgments to the noble Earl for the moderate spirit and temper in which he had brought forward his motion. This was a most important subject, and one above all party considerations; and he felt bound to admit he had ascertained that the noble Earl, when in office, had undertaken the question in reference to the good of this country and the colony, and not with a view to party considerations. He regretted, in common with the noble Earl, that delay had taken place in the matter. He would not enter into the supposed delay that occurred last year, not wishing to excite any discussion on that subject. His noble friend seemed to be of opinion that, notwithstanding what his right hon. Friend had said, Canada had not formed the subject of any document then in possession of his right hon. Friend.

The Earl of *Aberdeen* begged to observe, that he had never said that his right hon. predecessor in office had not prepared a document containing his own views on the subject of Canada. His right hon. predecessor had sent out a despatch stating that those views would be submitted to the Cabinet on the 15th of November, and that full instructions would be sent out on the 17th. Now, it had turned out impossible that that promise could be fulfilled.

Lord *Glenelg* knew that his right hon. Friend had been most anxious to bring the subject under the consideration of the Cabinet, and, in point of fact, he also knew that it would have been immediately brought under their consideration but for events to which he would no further allude. His noble Friend said, that he had formed his opinions on this subject in great liberality. He most cheerfully admitted that the instructions which his noble Friend had prepared for the Commissioner to Canada were drawn up in a liberal spirit. His noble Friend, however, seemed to think that it was possible for the present Government to have taken up the question exactly as he had left it. Undoubtedly it would have been more easy for him to have done so. His first impulse certainly was to adopt the measure of his predecessor in office, and to close every part of the transaction in this country. But, with the noble Earl ready to depart for the Canadas, with a measure to be executed there, of which he must be answerable for the results, he put it to the noble Lord opposite whether he would have acted in a manner befitting the office which he had the honour to hold, supposing that he had adopted the instructions issued by his noble predecessor, and had sheltered himself from all responsibility under the responsibility which attached to his noble Friend for issuing them. Would it have been consistent with his official character to have stated, "I find these instructions ready to my hand, and I will accede to them without examination?" [The Earl of *Aberdeen.*—Not without examination.] Not without examination? Then there was no blame to be cast on Ministers that they did not proceed immediately, but took some time for inquiry. His noble Friend would undoubtedly have been willing to take his full share of responsibility, but he was sure that no man in his situation would have consented to allow his noble Friend to take a share in any responsibility which did not justly attach to his actions. It, therefore, became his duty to look into the nature of those instructions, and to see whether he could defend the whole of them. No one was more aware than his noble Friend of the vast extent of this question in all its bearings. He did not mean to say that he himself had mastered it. He had, however, looked into it diligently, and had exercised his judgment upon it to the best of his ability. After the most deliberate examination on the part both of himself and of his colleagues in the Government, it had been thought proper to change the instructions drawn up by his noble Friend. His noble Friend said, that he regretted extremely the change of person who had been selected as Commissioner. He (Lord Glenelg) regretted it too, for nothing was more true than that his Majesty's Government wished the noble Earl (Earl Amherst) to retain the situation to which he had been appointed. He was glad to see that noble Earl that evening in his place: and, seeing him there, he appealed to the noble Lord, whether the Ministry were not desirous to obtain for the country a continuance of his services in the Canadas. His noble Friend had said that it was impossible for the noble Earl to give Ministers his services, now that a Commission of three persons had been appointed, instead of a single Commissioner. To that he would only add, in reply, that among the reasons which the noble Earl had given for declining the appointment there was no statement of any disapprobation of the plan laid down by his Majesty's Government. He would not pretend to follow his noble Friend, point by point, through his speech; he must, however, allude to the inquiry made by his noble Friend as to the intentions of his Majesty's Government on this question. Instead of appointing a single Commissioner his Majesty's Government proposed to appoint a Commission consisting of three persons, one of whom was to be the Governor of the Canadas, to inquire into the grievances of those colonies. As far as was consistent with his duty, every information respecting the nature of that Commission should be afforded to their Lordships. He was sure that their Lordships would recollect that last year the House of Assembly in Canada sent over a petition to this country complaining of various grievances. That petition was referred to a Committee of the House of Commons, but nothing had been done as to the Canadas since then. With regard to the question as it now stood, he thought that all the noble Lords opposite would agree with him that it was impossible to pass by that appeal from Canada to England without examination. Then, as the House of Assembly had complained of grievances, there were only three modes of acting with respect to them. You might object instantly to all their complaints, and reject them entirely; or you might reject them in part, and concede them in part; or you might grant an inquiry into them with a view of redressing the grievances, if they were found to exist. Now, to reject their complaints instantly and entirely without inquiry would of course have been an improper line. It would have been deemed most objectionable even by the people of England. The petitioners had presented a petition complaining of grievances. A Committee of the House of Commons had heard their evidence, but had resolved that it ought not to be made public. All the Report which that Committee had made consisted of a recommendation to the Government to take such measures as they should deem proper to redress the grievances complained of. The petitioners would therefore have a right to say—"You suppressed the evidence which we gave; from that time we have been precluded from coming before you—and now you pronounce the entire and instant rejection of our claims." That course he thought was one which none of their Lordships would recommend. But if it were determined partially to reject and partially to grant the demands of the petitioners, that was equally open to objection. That could not be done without offending two parties, both those who assented to and those who denied the existence of grievances. There were at present in this country two deputies from Montreal and Quebec, specially delegated from Canada, claiming to be heard in their own persons before Parliament on this subject. Those persons would have a right to complain if any concessions were to be made which they might deem injurious to those whom they represented, without their being heard upon the subject. If, then, an inquiry was to be instituted, the only question left for consideration was, where should that inquiry take place? He thought that there could be little doubt that the proper place for such inquiry was the country in which the people resided who were affected by the alleged grievances, and in which remedies to those grievances must be applied. It had been asked by his noble Friend what reason there was for sending out more Commissioners than one. Now, it struck him that if a real and a searching inquiry was to be instituted, more than one Commissioner would be wanted to conduct it. The vast field of inquiry into which it would be necessary to enter in Canada would be beyond the powers of any single individual to undertake. Not only political questions but fiscal questions and judicial questions and legal questions of great importance, must come under the examination of the Commission, and it was therefore no disparagement to any individual, let his talents be what they might, to say that he would scarcely be able to grapple single-handed with the whole extent of the various subjects which must come under his consideration. It was not by receiving information at this distance from the Canadas that the best means of conciliating their inhabitants could be devised. If he wished to ascertain their grievances, and to learn what were the best practical remedies for them in the opinion of sober-minded men, the best mode of acquiring that knowledge was by mixing personally with them, and obtaining from their own mouths a knowledge of their feelings. If the Legislature received the delegates from the Canadas, and took their testimony, it ought not to forget that those delegates must be the representatives of extreme opinions, and the best advocates of their respective causes. If, therefore, the Legislature wished to obtain the best information, it must be sought by personal inquiry among the inhabitants of the country, who were most competent to afford it. The noble Lord, concluded by thanking their Lordships for the indulgent attention with which they had listened to his observations.

The Earl of *Aberdeen*, in reply, stated that he did not blame the Government for the course which it had adopted; he only regretted that they had not deemed it expedient to pursue the same line which the late Government had chalked out for itself. If, however, in consequence of the adoption of a less liberal course than that which he had intended to pursue, the result should be less favourable than their Lordships all wished, he should then, if he found that there was any likelihood of our being obliged to resort to other measures, consider it to be his duty to move that a copy of the instructions which he had prepared should be laid before their Lordships, in order that they might see what would have been the consequences had a different policy been adopted.

Motion agreed to.

HOUSE OF COMMONS,

Friday, June 12, 1835.

MINUTES.] Bills. Read a second time:—Bribery at Elections; Durham Court of Pleas; Western Australia; Civil Bill Courts (Ireland).—Read a third time:—Annual Indemnity.

SLAVES IN THE MAURITIUS.] Mr. *Fowel Buxton* took the opportunity of asking the Under-Secretary for the Colonies whether any measures had been taken to prevent the payment of compensation for slaves illegally imported into the Island of Mauritius?

Sir *George Grey* supposed the question of the hon. Member to refer to importations between the years 1810 and 1820. Since 1820 there was no evidence to show that any illegal importations had been made. He apprehended that the greatest difficulty had been, and would be found in distinguishing the individual slaves improperly introduced into the island; and no measures of the kind alluded to had been taken, simply because they would not be effectual. Under the existing laws, slaves illegally imported previous to the Emancipation Act became subject to apprenticeship. [Since the Emancipation Act the whole mass of slaves in the Mauritius had become subject to apprenticeship, which was only to last for a very limited period. As to the illegality of the importations, and the claims of the owners, the Commissioners were themselves sworn, and had the power of taking evidence upon oath; and to them, he apprehended, it must be left.

Mr. *Fowel Buxton* said, that the answer was so unsatisfactory that, on the part of an hon. Friend, he gave notice of his intention to bring the subject again under the consideration of the House.

Subject dropped.

DISTRESS IN IRELAND.] Mr. *Sinclair* begged to ask the noble Lord the Secretary for Ireland, if the Government had received any accounts of a famine in the western parts of Ireland?

Lord *Morpeth* said, that it was very true that Government had received very distressing accounts of the state of the population on the south-west coast of Ireland; and he could assure the hon. Member that the subject occupied the earnest and anxious attention of his Majesty's Government. Such steps had already been taken as were supposed best calculated to alleviate the distress. He hoped that the hon. Member would not press him into giving further particulars, as it might raise hopes among the sufferers which he was afraid might be disappointed.

Mr. *O'Connell* said, that it was by no means desirable that the idea should go forth that it was the intention of Government to come forward, as it would prevent the gentry of the country from exerting themselves.

Mr. *Fitzstephen French* said, that if any money were advanced by the Government, it ought ultimately to be levied upon the landlords, for if the Government advanced it without some provision of that kind, the landlords would contribute nothing.

BREACH OF PRIVILEGE. — IPSWICH ELECTION.] The Speaker called upon the Serjeant-at-Arms to state if any of the parties were in custody against whom warrants had been issued?

The Serjeant-at-Arms replied, that John Bury Dasent, Esq. was in custody

The Speaker gave orders to have him brought to the Bar; but on Mr. Gisborne saying he had a Petition to present on behalf of Mr. Dasent,

The Speaker directed him to withdraw.

Mr. *Gisborne* proceeded to say, that he had a petition to present to that House on behalf of the individual who had been at the Bar. The petitioner candidly stated what his conduct had been, and the motives for it. In the petition it was observed, that he stood charged with avoiding to give evidence before that hon. House. To this charge the petitioner submitted an account of his proceedings, and which, he hoped would show that if there had been a breach of privilege, and a violation of the authority of Parliament—a privilege and authority for which he entertained the highest respect, such breach of privilege was not intentional. He stated, that having been present after the last Ipswich election, and understanding that a petition would be presented against the return of Mr. Dundas and Mr. F. Kelly, and, being unwilling to be examined as a witness, and wishing to give the sitting Members the advantage of examining him, when the time would be suitable, he deemed it to be the most fitting for their interests to remain away, which he did of his own accord, and without receiving the suggestion of any person to do so. He did remain so absent until the petitioners had closed their case; but when he did understand from Mr. Kelly (one of the late sitting Members) that the petition had taken such a turn—that without his being present it was not likely that justice should be done, he (the petitioner) voluntarily and of his own accord, and influenced by no compulsion, but actuated solely by the dictates of his own honour, did return to his home. The petitioner appeared as a witness long before the Committee had decided upon the merits of the late election; and he was fully examined before them. Certain Resolutions had been passed by the Committee referring to bribery practised at the late election; but those Resolutions had been rescinded upon hearing Mr. Pilgrim's evidence, in which, he believed, no allusion had been made to him; yet, in the Resolutions passed by the Committee, the name of the petitioner was inserted, without drawing any distinction between his conduct and that of Mr. Pilgrim, he having come voluntarily forward; that an unfounded prejudice had been raised thereby against him, and, in consequence of it, the petitioner then stood at the bar. The petitioner hoped that these statements of facts, coupled with his entire ignorance of being guilty of a breach of privilege, and deep contrition for having fallen under their displeasure, would entitle him to their consideration. The petitioner also expressed a hope that the Members of the Committee would declare their impression of his conduct. He added, that immediately on the conclusion of the debate he appeared to submit himself to the pleasure of the House. The petition was signed "John Bury Dasent." He (Mr. Gisborne) should be glad to have found any excuse for the conduct of the petitioner; but he certainly had the merit of submitting to them a very candid statement. It appeared that he had voluntarily come forward. Probably some Members of the Committee would declare the impression entertained by the Committee of the petitioner's conduct. If this course should not be considered satisfactory, probably the matter might be brought on again on Monday.

Mr. *Patrick Stewart* said, that he had not heard what had fallen from the hon. Member for Derbyshire, but he supposed he had submitted a Motion that Mr. Dasent should be brought up and discharged from custody. For his own part, he would recommend the House to act with as much leniency as was consistent with its sense of duty, because it certainly was the opinion of every Member of the Committee, that his case was apart from those of the other persons against whom the Speaker had issued his warrant, although it was necessary to include him in the Report. He was the only one of the persons who had absconded, who voluntarily came forward to give evidence, and the manner in which he gave his testimony made a favourable impression on the Committee. If, under these circumstances, the House should think it consistent with its dignity to have Mr. Dasent recalled, reprimanded by the Speaker, and discharged, that would be gratifying to the feelings of every Member of the Committee.

Sir *Hugh Campbell* stated, that the impression upon the minds of the Committee was, that the petitioner acted under the influence of another—it was at the suggestion of that person it was believed that the gentleman had left the country and returned to it.

Mr. *Aglionby* remarked, that the conduct of the petitioner was, on his own showing, a gross violation of the rights and privilege of Parliament—as long as his presence might prejudice the sitting Members he remained away, and when he thought it might be favourable to them he appeared. He could see nothing in the petitioner's conduct which manifested sorrow for the offence of which he had been guilty,

Mr. *Montague Chapman* thought the witness was entitled to considerable indulgence and favour. He did not, like the other witnesses, keep away till he was brought back by force, but freely returned from a high sense of honour, to disconnect himself from the sitting Members. Then he freely appeared when the other witnesses refused; and undoubtedly his case should be separated from that of the others, who persevered to the last in refusing to give evidence.

Lord *John Russell* observed, that besides the other offences with which the petitioner stood charged, was that of being guilty of bribery; and yet it was declared that he came forward from a sense of honour towards the sitting Members, to acquit them of being connected with those transactions. They ought to put out of the question whether the petitioner had been guilty of bribery; but the fact which the petitioner made the ground of his merits was, that he felt more of honour and regard for the sitting Members, than he felt for the dignity of that House. Thus it was his regard for the sitting Members which made him abscond; but when he was informed that his presence could be useful to them, he came forward as a witness. Personally his conduct might be exceedingly honourable as between him and the sitting Members; but as regarded that House, his conduct had been such, that there could be no sort of justification for calling him to the Bar and dismissing him. He did not wish to see any severe punishment inflicted upon the petitioner. He should be glad if he was brought to the Bar upon Monday, and in the mean time they might determine what course it would be proper to pursue, and what line of conduct they ought to adopt consistently with a regard to their own dignity and the maintenance of their own privileges. He could only say that if they did adopt a lenient course towards the petitioner, one consideration at least ought to influence them in doing so, and that was the petitioner's extreme ignorance of the law.

Lord *Stanley* was glad to find himself anticipated in the observations he had intended to make on this case by his noble Friend. He did think, that if a case of this kind were lightly passed over, it would be so far, in his opinion, an abandonment of those privileges which it was their duty to support, and of that purity of election which they should be so desirous to maintain. He was, however, afraid that the present proceedings were characterized by too much haste. When it was considered that they had ordered persons into the custody of the Serjeant-at-Arms, and yet when the first person was brought to their Bar, they were about to reverse their proceedings, and without further inquiry to discharge him, he submitted they were setting a precedent which must be most mischievous, and likely to be attended with the worst effects. The proceedings of that day proved the impolicy of their having taken the steps they had done, without a full and entire investigation. He was always willing to place confidence in a Special Committee's Report of specific facts; but he would not go the extent of leaving to their discretion to say, what the impression produced upon them was by the conduct of witnesses. There were not twenty Members in that House knew what was the evidence which affected the petitioner, and what the distinction between him and the other five persons against whom warrants had been issued. He wished to look at the evidence before he decided. He therefore joined in the recommendation of the Secretary for the Home Department, that the petitioner should be remanded into the custody of the Serjeant-at-Arms. He hoped it would be possible, although he thought it hardly possible, to have the evidence by Monday. It would be much more desirable that they should take some time to consider, than that they should commit themselves for a third time by any hasty step. The noble Lord concluded by stating, he was in favour of the proposition for adjourning the further consideration of this subject to Monday next.

Mr. *Gisborne* did not well understand the noble Lord. He seemed to think that many unnecessary steps were taken in this business; yet really only one step was taken, that of ordering the parties to be taken into custody. If no steps were taken till the evidence were laid on the Table, the ends of justice would be likely to be defeated, as the evidence would not, in all probability, be before the House for a month. Much of the general evidence tendered before the Committee was inapplicable to the present inquiry, that which referred to the scrutiny of the votes, for instance. Why, then, require the production of this mass of evidence, much of which was irrelevant, before coming to a conclusion? Would it not be better if the authority of the Committee were thrown overboard, and that the evidence was required as the ground-work of decision, that the part which referred to the conduct of the parties impeached, should be presented? In conclusion, he would say, in answer to the noble Lord's taunts, that he had not made any Motion that night, but merely threw out a suggestion to have the prisoner discharged, if it were agreeable to the House.

Mr. *Patrick Stewart* thought there was no occasion for the evidence. The confession of the prisoner, made before the House, that he evaded the warrant, was quite sufficient to enable them to come to a conclusion as to the extent of his guilt or innocence. There was punishment,—that of being taken into custody—already inflicted on the prisoner. What good purpose could the additional punishment of his being kept in custody till Monday serve? He could see none. He really thought the dignity of the House, and the ends of justice, would be sufficiently consulted by having him reprimanded.

Mr. *Christopher Fitzsimon* said, all the other persons mentioned in the resolutions of the Committee were evidently engaged in a conspiracy to set the House at defiance, and foil the ends of justice; but the prisoner at the Bar was undoubtedly an exception, for he freely came forward, and declared all he knew.

Mr. *O'Connell* said, he could not agree in the view taken of the prisoner's mitigated offence. The House should not sacrifice justice to this mock clemency. They could not dismiss him from the Bar without his atoning for his first absence, by his disclosing all the cases of bribery he was guilty of, and his telling the House all the parties he corrupted, and all the money he paid away. But if he were a person who took advantage of the privilege and impunity the law gave him, and the law gave too much scope to such characters, by suppresssing important facts, lest he might criminate himself, and mar the objects of his friends or employers, the sitting Members, then his conduct was not such as the House should wink at. The prisoner was a lawyer, the tendency and bias of whose profession led him to support particular parties. He knew lawyers had these leanings. He himself was a lawyer, yet he would say, that he never leant to any party. This was a question that should be sifted. If it were not sifted, and that deliberately and rigidly, there could be no hope that the purity of election would be preserved. The prisoner was guilty of a grave offence. and to prevent the recurrence of such misdeeds, and inflict condign punishment on the parties implicated in the present transaction, it was positively necessary for the dignity of the House, and the defence of the freedom of election, that there should be a complete sifting of the case.

Mr. *Hardy* said, as the party at the Bar was guilty of an offence that would subject him to a criminal prosecution in a Court of Law, at the suit of Mr. Wason or the

Attorney-General, it would then be rather severe to send him to judgment with the brand of condemnation fixed on him by that House. He trusted the House would not act severely towards him, so as to raise a prejudice against him in any ulterior proceedings.

Dr. *Lushington* said, the question was one of vast importance to the House, as affecting its privileges, and to the country, as affecting the right of the people to choose, without restraint or fear, their own Representatives. If it were a good that the purity of election should be preserved, then it was a good that any invasion on it should be punished. An invasion, then, was clearly proved to be committed in the present case, and the House, in its duty to the public, should not overlook it. Before the passing of the Reform Bill, bribery was so common and undisguised, that it might be thought, and was thought, an act of injustice to visit a few with the penalties of the delinquencies of the many. What was publicly practised was considered no crime, and the universality of the practice gave a shelter and impunity to the few who were detected. But this kind of screening of guilt should be put a stop to. It appeared to him that the question of the prisoner's guilt should be put a stop to. It appeared to him, that the question of the prisoner's guilt was not treated by some hon. Members with sufficient severity. Their leniency of conduct was unfair to the people of England, who looked to fair representation, and the rigid discharge of duty from their representatives. Was it because the prisoner was cognizant of his guilt, and anxious to screen himself from the consequences of it, that the House should now extend to him its indulgence, and so strike a blow at the existence of its own privileges? He (Dr. Lushington) was never so surprised as he was at hearing it maintained that, after a man was called to the Bar for a breach of the privileges of the House, he should be discharged, with no other punishment than a reprimand, and that after he had been avowedly guilty of a serious offence. Such a proceeding was a mockery of justice. The eyes of the people were now open—and if ample justice were not dealt out to those who violated the freedom and purity of election it would cause general offence and dissatisfaction throughout the country.

Case adjourned.

SOUTH AMERICAN STATES.] Mr. *Henry Baring* rose to ask a question of the noble Secretary for Foreign Affairs. He was anxious to learn what progress had been made in the negotiations carrying on between Spain and the late Spanish Colonies in South America, respecting the declaration of the independence of the latter. This was a matter of very great interest to many persons in this country who had embarked their fortunes in property in the South American States. Without offering any opinion on the subject, he would only further observe, that he was sure that his Majesty's Government must take as great interest in the subject as their predecessors in office.

Viscount *Palmerston* assured the hon. Gentleman, that not only his Majesty's present Government, but also the Government that was in office previous to the late Administration, which came into power in December last, felt a deep interest in the subject. The British Government had long been most anxious that the Government of Spain should acknowledge the provinces of South America as independent States, and had been long anxious, through its mediation, to assist in any manner to promote an amicable arrangement between the mother country and those States. The hon. Gentleman was mistaken in supposing that the negotiations now going on in Madrid had been carried on in any manner through the mediation of the British Government; at the same time it would not have hesitated, if requested by the two parties, to have endeavoured to promote an amicable arrangement between them. The Spanish Government had chosen to treat directly with the several governments of South America, and had therefore invited a person from South America, and the negotiations had been carried on between General Soublette and the Spanish Government. The hon. Member must therefore see that it was impossible for him to give any information respecting negotiations in which the British Government took no part; but from all that had come to his knowledge, he had no doubt the two parties would come to an amicable arrangement.

Lord *Mahon* was happy to hear that the Spanish government were pursuing the course stated by the noble Lord, and was glad that the negotiations were being carried on in a manner likely to lead to a satisfactory result. It was the duty of his Majesty's Government to give every facility to promote the negotiations. He trusted that the time had come when the Spanish Government would enter into their negotiations in a different spirit from that which it had hitherto manifested, and when the prejudices of the mother country would yield to the force of truth and reason.

COMMUTATION OF TAXATION.] Mr. *Robinson* said, he was fully aware how much the attention of the House had been engrossed by other important subjects, and he could assure it that if he did not feel himself impelled by an imperative sense of public duty to submit the Motion of which he had given notice relative to taxation, he should even now, shrink from the task which he had undertaken under the discouraging circumstances which attended its performance. He begged, however, to remind the House that the subject to which he was about to call its attention was not taken up by him as an isolated individual. In 1830, it was brought under the consideration of the House by one of the present Ministers, the President of the Board of Trade; and though the Administration as a body might not be disposed to view his proposition with any great degree of favour, he must be excused for reminding them that with the exception of the noble Secretary for Foreign Affairs every one of the Ministers who had seats in the House supported the Motion submitted by the right hon. President of the Board of Trade, in 1830, which was in substance exactly similar to that with which he intended to conclude. It would be for those hon. Persons to account for any change which might have taken place in their opinions upon this subject. He begged further to say, lest it should be the opinion of any Members of this House that he was persevering pertinaciously in soliciting the attention of the House to this subject, that when, in 1833, he brought forward a similar Motion, it received the support of no less than 157 Members totally unconnected with him by party or other considerations; whilst, on the other hand, though opposed by the influence of the Government, only 220 Members voted against it. That circumstance, alone, was sufficient to justify him in again calling the attention of the House to the important subject of the taxation of the country. The Chancellor of the Exchequer, under Lord Grey's Administration, not only supported the Motion of the right hon. President of the Board of Trade, but stated in the most distinct terms that the proposition for the appointment of a Committee to consider the subject of general taxation, was entitled to the most serious attention; and that a Committee engaged in considering the principles of taxation would be productive of the most beneficial results. After the time of the House, during this and the preceding Session, had been occupied with fruitless Motions for the reduction of taxation,—and after the Chancellor of the Exchequer had declared it to be out of his power to afford any relief to the people; was not the time arrived when it was desirable to consider whether advantage could be obtained from commutation and a revision of our whole system of taxation? He wished it, to be understood that whatever his own opinions on the subject of a commutation of taxation were, the Committee which he proposed to move for would not be bound by them. The terms of the Motion merely called for the appointment of a Committee, with the view of ascertaining whether any of the existing taxes could be repealed, or whether others, less injurious in their operation, could be substituted for them. The purpose of the Motion was to ascertain whether there was any tax now existing which bore with peculiar and undue severity upon any portion of the Community, and if so, whether that pressure might not be removed by a more judicious adjustment of the public burdens? Could the right hon. Gentleman, the Chancellor of the Exchequer, entertain any doubt upon the fact? If he entertained a doubt now, why did he support the Motion of his Colleague, the right hon. the President of the Board of Trade, in 1830? (For by the mere accidental circumstance of alphabetical arrangement, the right hon. Gentleman's name was placed next to his own in the division on that question). He would say with great respect, but at the same time with equal candour, that it would require more casuistry and ingenuity than the right hon. Gentleman could command, to convince him that there was anything in the present state of this country to justify him in opposing the present Motion when he supported a corresponding one in 1830. The state of the country was such that something must be done in order to relieve the great body of the people, on whose welfare depended the future prosperity of the nation. Some of those burdens which pressed them down with an almost overwhelming force must be diminished. If the House could relieve them by a reduction of those taxes which pressed upon a particular portion of the nation, in consequence of the exigency of the public service, then the only other course open was that of honestly looking into the whole question to see whether relief could be afforded by a more judicious arrangement and distribution of the public taxes? Was it not the fact that the House complained of its inability to yield to the pressing demands for relief from the Malt-tax, the Window-duty, and other taxes? These demands could not longer be resisted without a remission of taxation; and if the public service would not allow the Chancellor of the Exchequer to do so in any particular instance, they must look into the whole question. It had been said, that there was nothing in the condition of the great body of the people to excite alarm. He had never been disposed to depict the condition of the working classes as worse than it really was. He considered the resources of this great country to be ample enough to meet all the demands of the public service; but, unless those persons who were really in a condition to pay the taxes, exercised somewhat more forbearance, public virtue, and patriotism, and took upon themselves the payment of a larger share of the public burdens than at present, some of the other classes of society would not be long able to pay without depriving themselves and families of the means of existence; and he lamented to observe, as a sign of the times which augured no good for the country, that while party and personal questions excited so much interest in the House as to fill its benches, any subject which related to the relief of the people at large was met with so much indifference and apathy, as almost discouraged any man from raising his voice in its favour. Let it not be supposed, for one moment, that he was assuming to himself a greater degree of regard for the people than any other hon. Gentleman; but he appealed to hon. Members who had heard him before, whether Motions of this kind which had been brought forward by different hon. Gentlemen, according to the views they entertained of public policy,—at one time calling for a change in the currency, and at another for the repeal of the Malt-tax,—whether these Motions had not been successively resisted and evaded; and whether, when he was about to make an appeal which was at least entitled to some attention, the appearance of the House, and the indifference of the Members, did not afford a proof that this great subject, as he must call it, however unworthy he might be to advocate it, had not received that attention to which it was so fully entitled. It was the opinion of a greater man than any who had been in the House, since he had the honour of a seat in it—he meant Mr. Huskisson—it was his opinion, expressed before his death,—that, after every scheme of affording relief to the people had failed, the time for considering a general revision of the taxation of the country was come. He would read a portion of a paper which he held in his hand because it spoke his sentiments with much more clearness than he could possibly deliver them; and because it plainly shewed that if the views he entertained were visionary and erroneous, they were at least shared by that great man. Mr. Huskisson, in a Motion he made in this House on the state of the nation in 1830, after lamenting that reduction of taxation had been carried by the Government to the fullest extent which they considered compatible with the exigency of the public service, declared,—

> The more general considerations, to which I now claim the attention of the House, are these: first, that no other country in Europe has so large a proportion of its taxation bearing directly upon the incomes of labour and productive capital;—secondly, that in no other country of the same extent—I think I might say in none of five times the extent of this kingdom, is there so large a mass of income belonging to those classes who do not directly employ it in bringing forth the produce of labour;—thirdly, that no other country has so large a proportion of its taxation mortgaged; in proportion to the amount of that mortgage are we interested in any measure which, without injustice to the mortgagee, would tend to lessen the absolute burthen of the mortgage;—fourthly, that from no other country in the world does so large a proportion of the class not engaged in production (including many of the wealthy) spend their incomes in foreign parts. I know I may be told, that by taxing that income, you run the risk of driving them to withdraw their capital altogether. My answer is, first, that ninety-nine out of 100 of these absentees have no such command over the source of their income; secondly, that the danger is now of another and more alarming

description, that of the productive capitals of this country being transferred to other countries, where they would be secure of a more profitable return. The relief of industry is the remedy against that danger.*

He looked, as it were, prophetically forward in the view he took; and he declared that the resources of the country were sufficient to pay the taxes under the existing currency, which has a powerful bearing on the Question. Mr. Huskisson was then out of office, but he knew what official responsibility was, and his words were deserving the consideration of the right hon. Gentleman opposite:—

> If at any future day a sense of public interest should induce his Majesty's Government to act upon these views, I shall be prepared to give my most cordial assistance and support towards overcoming the various difficulties which I am fully sensible must arise in carrying those views into effect, and towards conciliating the feelings of all those who might continue averse to their adoption.†

What did Mr. Huskisson mean by that? He most clearly meant, that the time was arrived when a large portion of the public burthens ought to be laid upon the possessors of property. He knew well the difficulty there was in effecting such a change in taxation—he knew the disinclination of persons to pay in proportion to their property; and he said, that if Government should undertake any measure to produce what appeared to him to be a necessary change of taxation, they should have his support in endeavouring to carry it through the House. The right hon. Gentleman, the President of the Board of Trade, was not in attendance, or he might hear what were his own sentiments when he was on the Opposition Benches, and was out-voted upon a Motion which he introduced. He would read them, and then ask the House, how they could reconcile his absence with the sentiments he then expressed, and with the opposition which he was prepared to give to his Motion. The right hon. Gentleman when he introduced his Motion in 1830, which first obtained for him the celebrity he now enjoys, made use of these words; and if there be any Gentleman present who considered his views erroneous and extravagant, let him learn that they were the views of no less a personage than the President of the Board of Trade. Mr. Poulett Thomson in 1830, used these words:—

> In proposing that the whole taxation of the country be taken into consideration by a Select Committee, I protest that I am not actuated by any want of confidence in his Majesty's advisers. My object, Sir, is far different.—it is to arm them with greater power of doing good, and to assist them in the praiseworthy object which they have already commenced—that of reducing the burthens which press upon the people. My object, in short, is to give them that power which they cannot exercise effectually, as I conceive, without the assistance of a Committee.*

And then, anticipating an objection which was made by the then Chancellor of the Exchequer, the right hon. Gentleman used these further expressions:—

> If you grant this inquiry you prove to the people, that you are anxious to alleviate their distress, by affording them the articles most necessary for their subsistence and comfort at a cheap rate to the country, that you desire to afford this relief, but at the same time to meet the claims of the national creditor, and to preserve inviolable the public faith.†

These were the words of a Gentleman now filling one of the highest situations in his Majesty's Government, which show that the subject had occupied his attentive consideration. But where was his attentive consideration now? Did he merely make use of these words to succeed in his object, and then throw them away as no longer worthy his attention. The public at large was not disposed to treat the matter so lightly. The right hon. Gentleman said further—" If you refuse this inquiry," he would add, " if you evade it," for he saw no distinction,

> " If you refuse the inquiry it can only be for reasons which I can scarcely conceive. You can only do so under the notion that Parliament is incompetent to conduct it, and allow me to say, that in doing so you will abandon the highest and most important part of your duty, and send the people discontented and dissatisfied away.‡

These were the words of the President of the Board of Trade in 1830, when that right hon. Gentleman took precisely the same view he now took of the subject, that the difficulties under which we laboured did not so much consist of the want of means to fulfil the public engagements, as a want of the proper application of the public resources. We had contracted a large debt—our establishments were overgrown and expensive to the last degree—and he was convinced that the burdens of the people were nearly doubled by the operation of Sir Robert Peel's Bill of 1819—but he still contended, that under all these disadvantages, there were such resources in this great and mighty empire, if they were properly applied by the Government, assisted by the wealthy class, without whom it could not be done—the landholders, the fundholders, and merchants, that they were equal to those engagements. He said, too, that if the wealthy classes shrank from the performance of this duty, the evil would only accumulate with tenfold force, and that if they now turned round and persisted in continuing to levy the taxes on the suffering people, and would not come forward and contribute their reasonable portion to the public burdens, a great public sacrifice would at length be demanded. He knew that the difficulties of the country were exceedingly great, and he was afraid that without assistance, the chance of extricating it from these difficulties was exceedingly small. He should be sorry to entertain a bad opinion of the wealthy and aristocratic classes of the country. He believed it only wanted a little decision and firmness on the part of the Government, and a little honesty of purpose on the part of those Members who coincided with him in opinion, to speak out in such language as they ought to assume, and he had no doubt the wealthy classes would have public virtue enough to keep them from shrinking from their due share of responsibility. Mr. Thomson said:—

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* Hansard, vol. xxiii. (new series) p. 604.

† Ibid, p. 606.

* Hansard, vol. xxiii. (new series) p. 894.

† Ibid. p. 896. ‡ Ibid. p. 898.

> It is not of the amount of revenue that I complain; it is not of the extent of taxation; it is not the sum of money which passes into your Treasury, it is the manner in which you raise it which checks your industry, destroys your energy, and must lead you, at last, to ruin and poverty.*

These were the opinions of the right hon. Gentleman in 1830; and could he suppose that he was willing now that he is in office to leave the country with its energies impaired and destroyed, rather than render his powerful assistance in support of such a Motion as this? He had, at least, shown that his opinion was one entertained by greater men than himself. It he had not found this the case, no consideration should have induced him to come forward on this occasion. Let the House look at the condition of the agricultural population, coming forward night after night with petitions, declaring that the land of the country was about to pass away from the hands of its ancient possessors into the hands of other parties; the farmers declaring that they were no longer able to pay their rents without which the landlord said he could no longer fulfil his engagements; and the labourer declared that all the labour which he had at his disposal could no longer obtain for him such a miserable pittance as would be enough to support his family. He would not deny that, comparatively speaking, there was a great degree of activity in the manufactories; yet he would contend, in the face of this House, that the condition of many of the operatives was so bad, and the wages were so extremely low, that it was the imperative duty of the House —to endeavour, at least, to find the means of improving it. When they were taught to admire the greatness to which the country had attained, above all others in the world, —the pride of the English, and the envy of the foreigner,—let him ask upon what it was, the country must depend for the maintenance of this greatness and power, but the ease and comfort of the labouring population? If they became degraded, and their morals depraved—if crimes increased with the frightful rapidity they had done—if the gaols were filled, and the country overspread with workhouses to maintain people who could not find employment out of them—what was the prospect of the future condition of the country? The fact of the case was, that the poorer classes could not afford to pay the taxes; and he was afraid the rich would not, unless they were obliged. Was any hon. Gentleman disposed to deny that there was a gross inequality in levying the amount of taxation? If so, allow him to state to him the facts given in evidence before the Hand-Loom Weavers' Committee last year. There were many hon. Gentlemen present cognizant of the fact that it was there stated the amount of the wages of the labourer amounted to 8*s*. per week, or 20*l*. a-year; and that out of this 20*l*. a-year he contributed, in indirect taxation, not less than 8*l*. to the State. Now, if the labourer had this 8*l*. to spare, perhaps it would not be complained of; but when, in many instances, to give it up deprived him and his family of food and raiment, and rereduced them to so deplorable a condition that he could scarcely feel any interest in society; how could the House, in justice, refuse to institute such an inquiry as that which he moved for? Hon. Gentlemen who had passed through a contested election would recollect the questions which were put to them by their constituents as to their disposition to relieve the weight of taxation now pressing on the country. Did they recollect the promises they then gave; and did they think that the people would be satisfied by the display they made on the Question of the Malt-tax, and the still more abortive attempts to reduce the Window-duty? Did they think that these things would satisfy the people? No, they required something more; and it was only, as he said, by the House taking the question fully into consideration, they could ever expect to overcome the evil. What could be a greater argument in favour of such a commutation of taxation as would relieve the labouring classes by taking some of the duties off the articles of consumption, and placing them on those which will affect the wealthier classes of society, than the fact that there was an immense excess of capital in the country, co-existing with a want of employment, That alone superseded the necessity of using any other argument to show that the industry of the country was over-taxed. He would advert to a strong argument to induce the landowners to consent to a levy of tax upon the property of the country. They complained, and with truth, that their estates were already deeply mortgaged and encumbered with engagements; and that a direct tax in the shape of a Property-tax, or an Income-tax, would be their entire ruin; but such a tax would not bear upon them to a greater extent than the income of which they were in actual receipt, and the weight of it would fall upon those who were in the enjoyment of the mortgage of their estates. It was only by some general levy of tax upon property that funded property could be subject to tax, because in many cases it was now exempt by law. It was a curious fact that whilst we complained that the means of taxation were exhausted, funded property was exempt; not because the fundholders could not afford to pay, for they profited by the change in the currency, but through a fear that if the funded property was taxed, other property, in common justice to the country, must be taxed also. That argument was used on a former occasion, to induce the House to let such matters alone; it was the favourite doctrine of particular individuals, and of some financial Gentlemen, but it would not bear inquiry. It was said, that the revenue increased. Undoubtedly, it had a tendency to increase, owing to the increase of population, and to the ingenious manner in which the taxes were levied, so that it was impossible for any person to escape them; they were so nicely levied that even paupers and criminals paid them; and it was no wonder that the revenue had a tendency to increase. But was it not at the expense of the lower classes? How was it that persons with a great property were entitled to exemption from taxation, while the poor man paid? He had stated, that a man who only earned 20*l.* a-year, contributed 8*l.* out of that 20*l.* to the burthens of the State; but there were many persons possessing 10,000*l.*, who, if they lived in a parsimonious manner, and did not keep up an establishment corresponding to their property, might pay, not in proportion to their property, but to their expenditure, and the rest of their property, protected by the State, escaped taxation. If a man was an absentee, he paid no taxes at all, and left his property in safety at home, spending the interest among foreigners, and not contributing a farthing to the burthens of the State. He protested against this in a country where almost every source of taxation had been exhausted. He remembered the declarations which were made during the last war, when the most enormous engagements were sanctioned, particularly by many of the landed gentlemen, who were profiting by the high war-prices—they declared their devotion to the service, and their determination to sacrifice their lives and fortunes in support of the "Heaven-born Minister" of the day, in prosecuting the righteous war in which he was engaged; but when peace came, and with it not that plenty which ought to be the consequence of peace, but when, on the contrary, this country was placed in a most critical situation by it; what was the first step taken by the landed interest? They called upon Parliament to pass the Corn-law for their own exclusive protection which had the effect of raising the price of food to the consumer. By that war, certainly the country reaped a rich harvest of glory, and the pages of our national history were adorned with the narration of some of the most brilliant, naval, and military achievements, to be found in the annals of any country, but the future historian would have to record the consequences of it in the miserable condition of the people, and in engagements contracted during the war, which the nation in the time of peace, was not in a condition to meet, without the imposition of taxes bearing unequally upon one particular class of the community. An additional reason why the House should attend to the claims of the labouring class of the community was, that they enjoyed no direct representation in the House; and if the House was not prepared to meet their claims in the extension of the suffrage, at least show them, that while they were denied a direct representation, the fair and reasonable protection which they ought to have was given them. The reduction in taxation which had taken place within the last few years, had been alluded to by the right hon. Gentleman (the Chancellor of the Exchequer) on a former occasion, who was undoubtedly correct in stating, that in 1812 the amount of taxation was 71,000,000*l.* At the present time it was 48,000,000*l.*, but in 1812, 13,500,000 quarters of wheat paid the whole amount of the tax of 71,000,000*l.*, while now it took 24,500,000 quarters to pay the reduced amount of 48,000,000*l.* of taxation. In 1812, manufactured goods of the official value of 51,000,000*l.*, paid the 71,000,000*l.* of taxation; while now it took goods equal to 100,000,000*l.* to pay the reduced 48,000,000*l.* These were circumstances which the right hon. Gentleman ought not to forget when he showed the arithmetical reductions in taxation which had taken place since the war. The complaint was not now so much of the amount of the taxes, as of their pressure upon particular classes, in consequence of the enhanced value of money. That was the difficulty in which the country was involved. Now, though he had never supported any Motion for the adjustment of the Currency, it was not because he did not admit the force of the arguments of hon. Gentlemen, who complained of the oppression of Sir Robert Peel's Bill of 1819, but because he thought the means they proposed would not be sufficient for the object in view; and that it would be unjust to pay those debts and engagements, which had been contracted with a view to a metallic currency, in any other. At length, however, a state of things had arrived when it was incumbent upon the Government to consider in what way the financial difficulties of the country could be relieved by a better distribution of the public burthens. Adam Smith said, that the fundamental maxim on which financial policy ought to rest, was, that every person should contribute towards the assistance of the State, according to his means; but the complaint now was, that our system absolutely reversed that wise maxim, and placed the burthens of the State principally upon the shoulders of those least able to bear them. These might appear to some Gentlemen, to be mere truisms, but they were the *gravamen* of the whole subject. Whether the right hon. Gentleman (the Chancellor of the Exchequer) whose habits of industry, official knowledge, and financial experience, no man was more disposed to admit than he was, and to acknowledge his peculiar fitness for the office which he was called upon, under great difficulties, to fulfil, whether he admitted his arguments or not, he must tell that right hon. Gentleman, that the great difficulty with which he would in future have to contend, would be, to maintain the revenues of the country —if he were disposed to uphold them upon the present system, without breaking down and impairing those resources upon which he must depend for the continuance of the revenues. What was the cause of the altered condition of the country, as respects the labouring classes, but the continuance of those onerous taxes which bore upon them at a time when there was a superabundance of labour caused by machinery. He was not now going to enter into the complicated Question, as to whether the extension of machinery was likely to be eventually beneficial or prejudicial to the labouring classes; but he entertained a deep conviction, that, at least for the present, the effect of machinery was to interfere with and lessen the value of human labour, and to lower the rate of wages throughout the country:—and he very much feared that the extension of that system in foreign countries, which were gradually adopting our improvements, and by that means rivalling us in foreign markets, would at length supersede our labour for they were drawing to themselves the advantages of British industry and ingenuity. It became, therefore, the most important duty of a Government, which pretended to enjoy the confidence of the people, not lightly to gloss over the operation now going forward, and which was so likely to affect the future condition of the working people of this country. It was said, too, that agriculture was rapidly declining; if so, and if the manufactures of this country were likely to be materially affected by the progress which foreign countries were making in manufactures, what was the future condition of the labouring classes likely to be? He could not look upon the prospect without alarm, and he saw no other way of providing against it, but in taking our system of taxation under revision, and removing the burdens from industry, and laying them on realized wealth and property, so that every man should pay less in proportion to what he did than to his means. One of the objects he proposed in moving the appointment of the Committee was a reduction of the expense to which the collection of the revenue put the country under the present system. The right hon. Gentleman, the Member for Dundee, in his able work upon Financial Reform, estimated the cost of collection at no less than 4,000,000*l.*, which appeared to him to be a low estimate; but he was satisfied, that by a revision of the mode of collecting the taxes, this enormous cost might be considerably lessened. To show the baneful effects of the amount of indirect taxation, he begged leave to state, and it could be demonstrated, that while the Malt-tax brought to the coffers of the nation 5,100,000*l.* a-year, the imposition upon the consumer of beer amounted to no less than 12,000,000*l.* annually. And if Gentlemen would look at the amount of other taxes, they would see that though, in many cases, there might not be quite so great an augmentation, the complaints of the labouring classes were not without foundation, suffering, as they were, from the enormous additional price the retail dealer was obliged to put on every article of consumption, in order to pay the taxes, in addition to the first cost. These taxes were raised now upon malt, hops, spirits, sugar, tobacco, soap, tallow, butter, cheese, meat, and other articles of consumption, which materially affected the poor, articles which ought to be rendered to them as cheap as possible. It was cruel to allow the great the weight of taxation to be levied upon the labouring classes, especially at a time when the rate of labour was reduced, and when the more wealthy classes were not taxed in a fair proportion. The whole system of taxation was one of the grossest injustice and inequality; and if he were to enter into detail, he could prove that the taxes were levied in an unfair and an unequal manner, and in a proportion directly inverse to the means of paying them. Take, for example, the stamp, the legacy, and probate duty, and see the proportion in which it bore upon a man who had only 100*l.* or 200*l.* to leave to his family, compared to the manner in which it was escaped by the nobleman who left a million of money at his death to his heir. He would next advert to the objections entertained against a Property-tax. He made no direct allusion to a Property-tax in the motion he had to submit to the House, because he wished to keep out of the way as many obstacles to the appointment of the Committee as possible. The right hon. Baronet, the Member for Tamworth, when the question of a Property-tax was, on a previous occasion, before the House, had declared that one great objection to such a tax was its unpopularity. On referring, however, to the time when the demand for the repeal of the Property-tax was loudest, when it was said there was a great clamour raised against it, he found that only fourteen counties out of the fifty-two petitioned for its repeal. There was ample property in the country now to relieve the class which had most occasion for relief. To accomplish that object, then, there was only wanting a disposition on the part of the Government to levy a tax on the wealth of the country. Lord Althorp had changed his opinion no less than three times on the expediency of adopting a Property-tax. In the year 1819 he was against it; in 1830 he was in its favour, being then out of office; and in 1833, when he (Mr. Robinson) brought the subject forward, the noble Lord again declared himself hostile to a Property-tax. He did not expect the right hon. Gentleman opposite to assent, on the present occasion, to any proposition of the kind; it was enough for his purpose to state that the means existed of making a considerable improvement, if an honest Committee were appointed, in the condition of the labouring classes, without so extensive a change. Lord Althorp's objection to a Property-tax was that it was objected to by the wealthy; but if the House came to the conclusion that such a tax was necessary, such difficulties as the noble Lord described ought not to be allowed to obstruct the measure. The right hon. Gentleman knew many taxes at present interfered with the industry of the country, with the progress of manufactures, and with our exports; and these were taxes which might advantageously be revised, even should the Committee declare themselves hostile to an Income or Property-tax. The impediments to such a tax had hitherto arisen from the indisposition manifested by the wealthy classes to submit to direct taxation; but if the House arrived at the conclusion that justice required it, no difficulties ought to stand in the way of its adoption, Had there been no difficulties to overcome in other questions which had been argued by the House? Were there none attendant upon the repeal of the Roman Catholic Disabilities—of the Test and Corporation Acts—upon that great measure affecting the condition of the negro population, and which laid an additional burden of 20,000,000*l.* upon the country for its accomplishment? But Parliament did not object to encounter these difficulties; and why should it now shrink from the imposition of any tax which will afford relief to the labouring classes of society? The right hon. Gentleman, the Chancellor of the Exchequer, might think that such an inquiry would act prejudicially to the operations of trade; but he could assure the right hon. Gentleman, that any such disadvantage would be more than counterbalanced by the confidence it would give the people that Parliament was determined to look into their condition, with a view, if possible, of affording them relief. He was of opinion that a Property-tax would be found equally advantageous to the labouring, the middle, and the wealthy classes. The labouring classes it would relieve from indirect taxation; the middle classes it would relieve from the pressure and inconvenience of collection; and on the wealthy classes it would not impose an additional burden without relieving them from most of the taxes they paid at present, and without affording them a better security for their property, which altogether would be more than equivalent. He would not on the present occasion go into any detail of the subjects that he proposed to bring under the consideration of the Committee; he would, indeed, rather leave the Committee to act on their own view of what they might consider to be the best course. In conclusion he would declare that he sincerely believed this to be a question on which the security and future prosperity of the empire more depended than on any other question that could occupy the attention of the House. The hon. Member concluded by moving, "That it is expedient to refer the general taxation of the country to the investigation of a Select Committee, with a view to a repeal or reduction of such imposts as injuriously affect the interests of agriculture, trade, manufactures, and navigation, or those which may be found to press with unequal severity upon any portion of the community, especially on the working and productive classes; and, further, to consider the propriety of substituting, if necessary, other taxes less objectionable in their operation, so as to simplify and economise the enormous cost of collection, and lighten the pressure by a more just and equitable distribution of the public burdens."

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* ansard, vol. xxiii. (new series) p. 863.

Mr. *Richards* rose to second the Motion, and observed that no gentleman could refuse to admit that the taxation of the country had increased to an enormous extent; but if any Member did doubt that, let him reflect that in former times the country was able to export its surplus corn: why then, after the successive good seasons which they had for many years enjoyed, was it that they could not get rid of that surplus corn now? What was the reason that the market price was so low that it would not repay the costs of sowing. It was because the cost of production was greater here than in any other country; and what was the cause of that? It was owing principally to the high price of labour, and that high price was owing to the manner in which indirect taxation entered into the cost of every thing required to support life or which the labourer used. It was true that the price of labour was influenced by the supply and the demand; but the demand for labour was influenced by the funds in existence, applicable to the maintenance of labour, and also to the way in which those funds were applied to the profit of the person who employed them. By the influence of those wonderful improvements in machinery, introduced by Arkwright, Watt, and others, the country had been enabled to compete with the other nations of the world, in manufactures not merely upon equal terms, but upon terms favourable to a continual increasing demand for the manufactured goods of the country. But agriculture was very different from manufactures. Agriculture was nearly the same now as it was 1,000 years ago. Other nations had instruments similar to, if not better than those which we used. Agricultural instruments were simple contrivances, easily made and easily imitated. The application of science to agriculture had not enabled men to lessen the cost of production in such a way as to counterpoise the oppressive weight of taxation which entered into it so largely by the quantity of labourers employed, with the price of the production of wheat. The English farmers were not, therefore, able to compete with other nations in the market with regard to agricultural produce, and therefore, after successive good seasons, they could not get rid of their surplus produce which weighed upon the market and occasioned all that distress and outcry of which the Legislature had heard so much. If the cost of production be not repaid by the price of the market, though, in the long run, it was true that the article would rise from not being produced in proportion to the demand, because the producers could produce it no longer; yet let the House look at the ruin of the farmer, the landholder, and the labourer, usually employed in agriculture, by which that diminished supply was brought about. The funds employed in agriculture being diminished or destroyed, the labourers must be thrown out of employment. That single case furnished great reasons for hon. Members not to refuse the inquiry. He agreed with his hon. Friend that there was a great disinclination to any tax on property. In 1814, he remembered being present at a county meeting in Worcester, convened for the presentation of a petition to the House against that tax: he attended that meeting, and moved as an Amendment, that an Address to that House should be agreed to, praying that the Property-tax should be continued; and after five hours debate, he succeeded in carrying that Amendment against all the aristocracy of the country, both Whig and Tory. His view of the case, in reference to manufactures, had not indeed been borne out by the event, but owing to the great improvements in machinery applied to manufactures, they had been enabled to compete successfully with the world. But he was right with regard to the other sort of manufactures, that is, that of wheat. He appealed to the state of the market for the last four years in confirmation of his views on that occasion. There was then a clear distinction between manufactures and agriculture. There was no question which could be brought forward in the House of more importance than that which had been proposed by his hon. Friend, the right hon. Baronet, (Sir W. Rae) who had brought forward the Motion last night, on the subject of the Church of Scotland. He spoke upon great authority of the great increase of crime in that country. Now, though Scotland contained many large manufacturing towns, it was upon the whole to be considered as an agricultural country, and he would ask how much of the crime, stated on such high authority, which had increased so greatly since 1811—how much of that crime was not much more reasonably to be ascribed to the want of an adequate demand for labour than to the causes to which that right hon. Baronet had ascribed it? He did not mean to argue by a side-wind against the Motion of that right hon. Baronet, which stood for Monday, he should very probably vote for him, but he merely stated his conviction as to the more probable causes of that increase in crime which the right hon. Baronet had brought under the notice of the House. In order that England might stand in her present proud position among the nations of the earth, they must have a low price of labour, and how could they have that without removing a great number of those taxes which pressed so heavily upon the resources and springs of labour; and if it were necessary to have a low price for labour, what reasonable opposition could be offered to the Motion of his hon. Friend? The right hon. Gentleman opposite, would no doubt make a most ingenious speech, and try and persuade the House from entering into the inquiry proposed, from the great inconvenience of attending to the present activity in the manufacturing districts. But he called the attention of the House to the state of the great manufacture—wheat: he had shown that that state, owing to the cost of production, which would not allow them to get rid of the surplus corn, was as bad as possible, and among other distressing consequences, such a state would eventually lead to famine. If there were, therefore, any truth in what he had stated, he called upon the House to accede to the Motion of his hon. Friend, leaving the right hon. Gentleman to enter upon the inquiry with that spirit, energy, and talent, which belonged to him, and probing to the bottom those evils to which his hon. Friend had adverted. He would say no more than that he most cordially seconded the Motion of his hon. Friend.

The *Chancellor of the Exchequer* could not help saying, that he considered that the absence of the hon. Members, to which his hon. Friend, the Member for Worcester, had referred, arose not from any disrespect to him, but wholly from the circumstances, that as Gentlemen had already considered the matter and come to a determination, they were not prepared to accompany him to those conclusions which he had urged upon the House. Before he argued the case, he hoped his hon. Friend would allow him to set himself right with him and those hon. Members who had heard his speech, as to the difference between the course which he was about to adopt, and the one he took on a former occasion—he meant—the period at which his right hon. Friend, the President of the Board of Trade, brought forward his motion for a Select Committee to inquire into the expediency of a Revision of Taxes. The hon. Gentleman said—"I will read the Motion which was made upon that occasion, and the Motion which I am now about to make, which will be seen to be so similar, that I call upon those hon. Gentlemen who supported the former, and now refuse to support the present, to defend themselves, if they can, from the charge of inconsistency." Their conduct would however turn out to be no inconsistency at all—and in such a case, there being no charge, there could be no necessity for a defence. In all main respects, not only could he prove the case to be distinct, but in many points diametrically opposite to the one to which the hon. Member referred; and if the cases were dissimilar, the dissimilarity of conduct implied no want of consistency. As well might his hon. Friend charge Ministers with inconsistency, if they declined now to wear the same warm dress, or carry the protecting umbrella as at the wintry commencement of the present Session. The whole circumstances had been changed, and they were not bound to give the same vote now as they gave on that occasion. Let them see what was the state of things now, and at the period of the statements which were made by his right hon. Friend, the President of the Board of Trade, in 1830. His right hon. Friend recommended as fit objects for abolition, the duty upon hemp, which had been since reduced—the duty upon sea-borne coals, which had been repealed,—and the duty upon printed calico, which existed no longer. He also recommended that a reduction should take place in the duty upon French wines—this had been done; he called for a reduction of the duties on timber also—that no such reduction had taken place was not owing to any disinclination on the part of the Government which immediately succeeded that of the Duke of Wellington—the Government of Earl Grey; they did propose the reduction, but they were overruled by the House. From this statement the House would see that there was a material alteration in the state of things since the Motion to which his hon. Friend referred; and would it be said that no progress in the reduction of taxation had been made by the Government of Earl Grey? and had the present Government, during the short period of time it had been in office, shown no disposition to reduce the taxes as far as they could, to benefit those classes whose case had been brought before the House? He was almost ashamed of wearying the House with a recapitulation of those reductions which had been made, having so often laid them before the House during the present Session; but when a charge of inconsistency was brought against the Ministers, they were called upon —as they valued character—to lay these details before the House and the country. No one year had passed since the existence of the Whig Government, in which they had not come down to the House with some proposition for the reduction of taxation, and no one year had elapsed in which they had not been able to prove by their acts their political consistency. A reduction of the duties on printed calicoes, cottons, drugs, hemp, assurances, the house-tax duties, and the assessed taxes, had taken place during the Whig Administration; the duty upon soap, one article which his right hon. Friend, in 1830, recommended to be reduced, had been reduced one-half; in short, so far from an imputation of inconsistency lying against the Ministers, they had endeavoured, while in office, to act so as to leave no ground for that charge; and, if consistency in principle be a virtue, consistency in action must be a greater one, and to that he appealed as the best proof of the sincerity of Ministers. He could not but notice the adroitness with which his hon. Friend endeavoured to escape from bringing forward the real object of his Motion—and how reluctantly and unwillingly, and with what hesitation, did he at length refer to it. If the Motion meant anything, it meant in substance that a Property-tax was the only remedy for the evils of which his hon. Friend complained. He would first deal with the proposition on the assumption that it did not necessarily include the proposition to substitute a Property-tax, and then that it did—and on both grounds he would say, that the Motion could not be entertained. On a former occasion his hon. Friend proposed the repeal of all the assessed taxes, the whole of the malt duty, the duties on soap, starch, paper, half the duties on tea and sugar, the whole of the duties on cotton goods, the stamp duties on newspapers,—and he calculated the total amount of the tax with which he proposed to deal, at no less a sum than 15,710,000*l.* The hon. Gentleman felt, by anticipation, the anwer he was about to make, because he knew it was the plain and obvious answer which must be made to his proposition, and he addressed himself particularly to those hon. Members of the House of whom the Reform Bill gave an increased number—the hon. Members connected with the trading and manufacturing interests, and he asked them to contradict him if he was wrong, when he said that on some uncertain notification of the intention of Government, with regard to the alteration of a duty, the moment it became known through a visit to the Treasury, or to the Board of Trade, whether the whole of the trading interest connected with that tax were not thrown into doubt and uncertainty, and no man knew on what principle he was acting, under what circumstances he was placed, or with what competition he had to contend. No one felt more strongly than he did, that there was upon the part of official persons an urgent necessity of keeping their counsel until they came to Parliament to declare the intentions of Government. He had had many visits during the short period he had held his present office; and while many had been very urgent, others had been extremely dexterous in the questions they put to him, in order to extort from him even the shadow of an opinion, which such individuals might afterwards have turned to their own advantage; but the answer he had always given was—that the intentions of Government must be declared to the House of Commons at the time when they were about to carry those intentions into effect. If such were the state of the case with regard to official communications, he should like to know in what a position the great interests of the whole country would be placed if this inquiry were set on foot? All would be thrown into confusion for some time, at least, while the Committee was engaged in hearing evidence; and he took it upon himself to say, that there were few measures which would more influence those great interests, than the institution of such a Committee of Inquiry; and, on this ground, without even supposing that a Property-tax were to be suggested as a substitute for the present taxes, he ventured to appeal to the House, —knowing the time it would take even to inquire into one single tax, especially in this month, to support him in resisting the proposition for a Committee to inquire into the general effects of the whole taxation of the country, without laying down any definite proposition, but merely one for forming a Committee to take evidence,—and then to suspend the inquiry during the recess, with the interests involved in it exposed to all the uncertainty and all the speculations which will be naturally produced by such an inquiry. The last proposition of the hon. Gentleman was—and he was bound to deal with that—because without it the whole matter would be a delusion—a Property-tax. In adverting to that he trusted he should not leave his cause without an additional argument in its favour. "True," said the hon. Mover, "the Property-tax was extremely unpopular during the war, and equally so in peace; and what was the hon. Gentleman's conclusion? It might be supposed that having proved the Property-tax to be unpopular both in war and in peace, his conclusion would have been rather against it than in its favour; but he declared the Property-tax to be the only remedy. The hon. Gentleman alluded to the number of petitions presented against it. It was very great; great beyond example, compared to the number usually presented in those days, for then hon. Members were not in the habit of presenting petitions, and raising debates upon them, a custom now so prevalent, though sometimes very useless. But whether the number of petitions were great or small, there never existed in the House of Parliament, or out-of-doors, any determination more strongly expressed, than was the determination against the continuance of that tax. To prove that, he need only refer to what took place on the abolition of the Property-tax. A Motion was made by Mr. (now Lord) Brougham, and carried without opposition, that all the records of this inquisitorial and grinding tax should be burnt and destroyed; and he presumed if there had been any Parliamentary precedent for such an expression, an addition might have been made both by notice, and by the hands of the common hangman. The hon. Gentleman had referred to the distress of the agricultural interests;—he (the Chancellor of the Exchequer) was not one to deny the existence of that distress, but of all the remedies which could be suggested for its alleviation, he would ask the House whether the hon. Gentleman could present to his constituents a "Schedule B" under the Property-tax Act? It was that Schedule B, it should be recollected, under which had been raised 2,700,000*l.* from the tenantry of the country; and was the re-imposition of it the remedy which the hon. Gentleman would propose for the depressed state of the agricultural interest?—[Mr. *Robinson*: In lieu of other taxes.]—But the House ought to be cautious how it proceeded on the subject of the commutation of taxation, especially as it was sometimes said, that the public did not always get the benefit which ought to be derived from the taxes repealed, while they felt all the burden of any new taxes imposed. Besides which, notwithstanding the coincidence between the initial letters of our names, which, as the hon. Gentleman said, brought us together in the alphabetical list, in the division on the Motion of 1830, he must tell the hon. Gentleman that he differed from him, if he believed that the House was prepared, in a time of peace, to reimpose the Property-tax. The hon. Gentleman had referred to a statement made by Mr. Huskisson, but that statement was made before the period at which so great a reduction of taxation as that he had mentioned had taken place; and he took it upon himself to say, that at that time there were none who contemplated the possibility of achieving so great a reduction within such a period. The hon. Gentleman, the Member for Knaresborough, told the House of his attachment to the Property-tax in the year 1814, and his affection certainly appeared to be as warm for it now as at that time. He seemed to say, "My love is as warm as when first I wooed the engaging dame, and I will fight her battles now in the arena of St. Stephen's as I fought them at Worcester, in 1814." He certainly proved the fidelity of his attachment, but that was no proof, as might be learned from many a lover, of the correctness of his taste. Was the House prepared in a time of peace, when Ministers were making a gradual reduction of the public burdens, for Members to come forward and demand a developement of its resources. The Property-tax was a sword in the scabbard to be reserved for the greatest conflict, and not to be drawn at a time like the present, when, (although some hon. Gentlemen said there was general distress, and that the country was in a state of age and decrepitude,) he maintained that, without taking an exaggerated view of its condition, and without saying that every thing in its appearance was satisfactory, yet there had occurred a greater improvement in it than the most sanguine could have expected, and by the steady application of the powers of Parliament, with economy on the one hand, and reduction of taxation on the other, they might hope to see it still further improved. At such a time as this ought they to plunge into measures which ought to be reserved for the greatest difficulties. The hon. Gentleman perhaps might dissent from the picture which he had drawn, but when the House recollected that on his former motion he referred to the decreasing deposits in the Savings' Banks, to the increasing pressure of the poor-rates, and to the various other circumstances which, in his mind, were preying upon the resources of the country,—and when they considered that many of these evils were considerably alleviated, he was entitled to say that the state of the country was much improved. The hon. Gentleman seemed to differ from him, and he was not surprised at it. Many fallacies pervaded his speeches, and some of them he had advanced this night. Amongst these was the statement he made, that the progress of machinery was one of the long list of evils which tended to render the change he proposed in the system of taxation necessary. But what would the condition of England be, if it were not for the increase of skill and intelligence in the mechanical arts? That was a most gratuitous statement, and most unfortunate, because there had been a prevailing idea out of doors among the operative classes of the country, that machinery contributed to lessen the demand for labour; but what would be the condition of the working men of this country, if it had not been for the extensive improvements made in machinery, which had enabled England to produce manufactured goods at a rate they could never have done, had they not resorted to such means? The proposition now made was inopportune,—the lateness of the Session would prevent them from carrying it to a satisfactory conclusion,—and it would injure all those great interests which are proposed to be relieved by it. His Majesty's Government could have no concern in it, inasmuch as they had already given proof that they were disposed to persevere in such a course of saving economy as would enable them to make reductions in the taxation of the country. But the hon. Gentleman had been guilty of another heresy. He could assure him that if a writ *de heretico comburendo* might now be issued, he was the last person on whom he should wish to see it put in force; but what was his next heresy? "O," said the hon. Gentleman, "if the Property-tax had only continued from the time of the peace till the present moment, half the national debt would have been already paid." That idea was based upon the old heresy of the Sinking-fund, that it would be desirable to preserve an excess of income over the expenditure; therefore in that respect he was entitled to ask for the support of the hon. Gentleman, whenever called upon to resist a proposition for the reduction of taxation. He had endeavoured shortly to make a few necessary observations upon the Motion of the hon. Gentleman. He trusted the House was prepared to oppose this inquiry, in order that the Government might be left to persevere in that course of a gradual reduction of taxation which appeared to them most conducive to the public interests. He could not, however, sit down without informing his hon. Friends of his own country, who sat on his side of the House, that the proposition of the hon. Member had this additional demerit, that it would apply the Property-tax to Ireland; and whether that would reconcile them to it he could not say. He thanked the House for the patience with which they had heard him; but he could say that as long as he had the honour to fill his present office, he should persevere in the same course which was taken by his noble Friend, Lord Althorp, and trusted that the result would be the same —namely, that by a gradual development of the resources of the country, they might be able to effect the object at which the hon. Gentleman aimed, without resorting to such an inquiry as he proposed.

Mr. *Hardy* was sorry that the statement should go forth uncontradicted to the public, that every Englishman with 20*l.* per annum, paid out of it 8*l.* for taxes. He should like to know what an effect such a statement as that would be likely to produce through the country? He admitted to the right hon. Gentleman opposite (Mr. S. Rice) that he possessed all that astuteness, ability, and experience which had been attributed to him, but he feared he was possessed of the horror which had prevailed in the minds of his predecessors of a Property-tax, and that it would never meet with favour in his eyes till forced upon him. If it was possible for any change in the system of taxation to relieve the poor and industrious partisans of the community it was incumbent on the House to adopt that system, even though it must be necessary to resort to a Property-tax, and brave all the unpopularity connected with it. He could only say, that when he met that class of his fellow countrymen at the election hustings, and they asked what he would do for them, he could only answer that he was prepared at all times to place the burthen of the country upon the shoulders of the property of the country. It was the property of the country which was protected by the social compact, and it was that which ought to bear the burthens of that compact. Let them not hear of its unpopularity among those who possessed it; or of the lower classes being relieved by the repeal of the Window-duty, or the Assessed-taxes, they would say it was no relief to them; they had no such establishments as rendered the Assessed-taxes in any way oppressive to themselves. They asked relief from those taxes which brought ruin down upon them as described by his hon. Friend, (Mr. Richards) the Member for Knaresborough. It was on that account that he desired to see the House filled, as it was, with men of property, willing to place upon that property its full share of the burthens of the State. He did not wish at once to put ten per cent. upon property, but, because they would not do that, there was no reason why they should not put two, or three, or four per cent. as must be requisite. It was the duty of the House to save, if they could by any mode of taxation, more simple, the enormous cost of collecting the taxes, and prevent the complaints now far too commonly and justly made. He did trust, therefore, that the period was not far distant when the House would feel it its duty to support a Property-tax, and when the right hon. Gentleman opposite, with the manliness becoming a Chancellor of the Exchequer, would come forward and tell gentlemen of property that they must bear their proportion of the burthens of the country, not leave them on the shoulders of the lower classes. But to put such a tax on property as would relieve the industrious poor would be an instance of self denial he hardly expected, yet without that it would not be easy to convince the lower classes that it was not owing to taxation that their sufferings were great, and the distress arising from the want of demand for labour overwhelming. They must be taught by the example of that House that they had no reason to complain of the partiality shown by property. He trusted that the principle of a Property-tax would ere long be recognized by the Government and the House. He should now vote with his hon. Friend, and on all occasions for the imposition of a Property-tax, he would most strenuously contend.

The *Chancellor of the Exchequer*, in explanation, begged to say, that the hon.

Gentleman must not imagine, because he did not allude to a circumstance mentioned by his hon. Friend (Mr. Robinson), it was to go forth as an uncontradicted statement. The hon. Gentleman, the Member for Worcester, certainly did state that a labouring man, earning only 20*l.* a-year, was said to contribute 8*l.* annually out of that sum to the taxation of the country. He did not contradict that, because it contradicted itself; and any Gentleman who would take the trouble to look at the statement, would see that it was wholly irreconcileable with the amount of our revenue, the number of our people, and the articles on which taxation was levied.

Mr. *Hawes* said, that he had always yielded to the force of the arguments which were urged in favour of his hon. Friend's Motion, but that if he required any additional reasons in support of it, he need only look to the speech made by the right hon. Gentleman in opposition to it. It should be borne in mind that the Motion was one simply for inquiry, and that it did not involve the necessity of carrying into effect any recommendations of the Committee appointed to inquire. Many suggestions had been made by the Excise Commissioners which had not been carried into effect; the Reports containing them had been printed, and it did not appear that the interests of trade had suffered any injury in consequence of their being made public, or from their creating any uncertainty such as that of which the right hon. Gentleman spoke, and which he had so much deprecated; because it was well known that it was not a matter of necessity that the suggestions of the Commissioners should be adopted. If reference were made to the taxes which had been remitted since the close of the war, it would be found that those which had been first repealed were those which pressed upon property, and, secondly, those which pressed upon land. If a Committee of Inquiry had been appointed to examine the subject at the commencement of the peace, no recommendation would ever have been made suggesting such a preference. He would only say, in conclusion, that he had heard nothing in the speech of the right hon. Gentleman (the Chancellor of the Exchequer) which could induce him to alter the course which he had adopted with respect to the former Motion of his hon. Friend on this subject, and he should, therefore, give his earnest support to his proposition for a Committee.

Mr. *Cressett Pelham* thought that if the lower orders of the people were to be protected, they should never consent to their being taxed so unequally as they were at present. He considered that the productive wealth as well as the productive industry of the country would be increased if those taxes were greatly reduced. He, therefore, cordially approved of the motion of his hon. Friend.

Mr. *Poulett Thomson* would say, in answer to an observation of the hon. Member for Lambeth (Mr. Hawes), that little had been stated on the part of his Majesty's Government during the debate which would have the effect of changing his opinion as to the propriety of acceding to the Motion of the hon. Gentleman opposite (Mr. Robinson), that an obvious reason existed for not meeting the hon. Gentleman's Motion at greater length, namely, the concurrence of the Members of the Government in one of the objects, at least, of the hon. Member's proposition—relief to the industrious classes. If any hon. Gentleman doubted the intention of Ministers to diminish the burdens of the people, to look at the whole question of taxation with an anxious desire to adjust it in such a manner as that it should press as lightly as possible on productive industry—he would refer him to their conduct during the five years in which they had held office as a pledge of what they were anxious to effect for the future. On that ground alone, namely, the undoubted intention of the Government to effect every possible reduction of taxation, he would oppose the Motion for a Committee of Inquiry into general taxation. The hon. Member for Lambeth had said, that no difficulties would arise, and that no embarrassments in trade would take place, by the appointment of a Committee, because no such effects having resulted from the inquiries and reports of the Excise Commissioners; but he would remind those who used that argument, that the greatest difference existed between a Commission issued by Government, and acting under their directions to inquire into different branches of its revenue, and a Committee of that House carrying with its appointment the weight and authority which were necessarily attached to such a body. The chief and ostensible object of the Motion before the House appeared to be the imposition of a property-tax. He could not help expressing a regret that the hon. Mover, the Member for Worcester, had not explained to the House what he meant by the phrase Property-tax. He was desirous that, before the House determined whether or not they should go into a Committee, it should be clearly explained what was the interpretation to be given to the terms "income or Property-tax." It was a very easy but not a very fair mode of proceeding to talk of the imposition of a Property or Income tax, while one hon. Gentleman applied a meaning to the words which differed altogether from that which they bore in the minds of others whose general support he received. Did the hon. Gentleman intend by his Motion that such an Income-tax as that which had formerly existed in this country should be re-established? If that were the case, it was unnecessary for him, in answering the arguments of the hon. Gentleman, to dwell, in the hearing of Members connected with the manufacturing and commercial interests of the country, on the system of inquisition which existed under the old Income-tax. And yet, if such an Income-tax was to be imposed, he did not see (and this might by some be considered an unpopular doctrine) how such a tax could with any fairness be visited upon persons possessing fixed incomes without at the same time levying it on those who derived their incomes from investment of capital. But such a proposition would, he was sure, be met by the strongest and most direct opposition from the mercantile and professional classes of the community. Perhaps, the hon. Gentleman meant by his tax, one levied only on masses of capital, on rent of land, and what were termed fixed incomes from the funds,—but what could be more unfair and unjust, than to tax capital employed in one shape, and leave that invested in another free? And what would be the consequence of such a tax upon the very classes whom it was proposed to benefit? Why the inevitable effect, must be a large export of capital to those countries where the same check did not rest on its employment: and he only intreated those hon. Members who like himself, were disposed to give every possible protection and assistance to the operative classes, to say whether anything more prejudicial to their interests could by possibility be enacted than a law which must drive the capital of this country abroad, deprive labour of a portion of that sustenance on the supply of which it entirely depended, and which, by diminishing the proportion of the capital to be employed to the labour supplied to the home market, must, as a natural and necessary consequence, reduce the wages of the labourer to a much lower sum than that which he at present received. It might, on the other hand, be the opinion of the hon. Member for Worcester, and one which he was anxious to have adopted by the Committee for which he moved, that there should be a general Income-tax equally levied on all incomes of whatever description. In this supposition he was confirmed by the allusion which had been made to remarks which he had expressed on this point a few years ago. He would assert now, as he had at the time alluded to by the hon. Member, that if it were possible to levy a tax on all incomes derived from every source, he should, theoretically speaking, have no objection to such a tax; and he would even go the length of expressing his conviction that its imposition would confer benefit on the country. But then he was met by this difficulty—that such a change in our system must lead to an act of great injustice to those who had invested capital in a particular manner on the pledge of the Legislature that they should not be subjected to this act of taxation. He once expressed the opinion, and he still retained that opinion, that an Income-tax, properly levied and applied, was one from which much advantage accrued; but in speaking of it, if he, indeed, really meant that, the hon. Gentlemen seemed to forget that the system under which this tax had been formerly levied was abolished—that the voice of the country was raised against the propriety of attempting to accomplish the object which it was proposed to effect; and he was not therefore, prepared to inflict upon the country the injustice which must result from a new imposition of the Property-tax. His complaint then was, that they were called upon to go into a Committee, without any defined notion of what was desired—with a conviction on his mind that of four or five plans which might be proposed, three or four were unjust, and one only which would be just, impracticable. He had one more remark to make on the unwillingness which it was asserted the Government displayed on the subject on which the Motion of the hon. Member for Worcester was founded. It was impossible for him to say any thing in addition to what had been said by his right hon. Friend (the Chancellor of the Exchequer). He would only refer to the acts of the Government for the four or five years during which they held office, to give the most convincing denial to the assertion of his hon. Friend the Member for Lambeth. [Mr. *Hawes*:

I made no such charge against the Government.] He was glad to find that he laboured under a mistaken impression, when he supposed that his hon. Friend, the Member for Lambeth, had thrown out such an insinuation against the Government. He might, however, he thought, take it for granted that it was a correct interpretation of his hon. Friend's words to say, that in those taxes which the Government had repealed, more attention was paid to those which pressed on the rich than those which weighed down the poor. Now, he would just refer to a list of some of the taxes which had been abolished, in order to show how ungrounded such an assertion must, on consideration, be held. Were the taxes on printed cottons, on slates, on candles, tiles, marine insurances, fire insurances, on farming stock, on travellers, clerks, shopmen, the house-tax, and a variety of others, besides the reduction which they had effected in the Customs' duties, to the amount of 400,000*l.* or 500,000*l.* per annum—were all these, he repeated, taxes which pressed on the rich and not on the poor. The principle on which the Government proceeded, in the reduction and abolition of taxes, was the necessity of relieving the poorer classes as much as possible from direct taxation, and of reducing, as far as was compatible with the exigencies of the State, all those taxes which pressed heavily on productive industry, the removal of which would give additional means for the employment of labour, and consequently, cause an increase of labourers' wages. All this, surely, proved that they were not indifferent to the wants or the claims of the poor; and, as far as his humble voice could go, in seconding the efforts of a noble Friend of his, no longer a Member of that House, it was uniformly exerted in seconding the adoption of those principles which he had laid down for his guidance many years ago, and an adherence to which was, he felt convinced, conducive to the best interests of the country.—It was, therefore, because he considered that all that could be done to effect one of the objects of the Motion, namely to notice the burthens of the industrious classes, would be affected by the Government, whilst the other the imposition of undefined taxes upon property or income, was either dangerous or impossible that he should oppose the appointment of a Committee, and urge the House to leave the subject in the hands of the Executive Government.

Mr. *Pease* amidst cries of "question" supported the Motion for a Committee of Inquiry into the present system of Taxation in this country. That Motion did not suggest the adoption of either a Property or an Income-tax, and therefore it was not necessary for him to enter into an advocacy of either of those systems of taxation. To a Property-tax, however, he was favorable, being satisfied that it might be divested of that inquisitorial character which had formerly been a ground of objection to it, and because he was convinced, that as the working classes, especially in the north of England, amongst whom knowledge was daily spreading, could now distinguish between direct and indirect taxation, to that system of taxation in order to raise the revenue the House must eventually come. He supported the Motion for inquiry from the anxiety which he felt to relieve the industry of the country from the unequal comparative burdens which pressed upon it, and under the conviction in his own mind that a saving in the expenses of collection might be effected of between 3,000,000*l.* and 4,000,000*l.* annually, by the adoption (instead of the present system) of a well-arranged Property-tax. In conclusion, he begged to deny the assertion that the Property-tax had been abandoned in obedience to the wishes of the bulk of the people of this country. At present there was a general wish for such a tax, and he was satisfied as large a tax as was necessary might be raised without difficulty or inconvenience.

Mr. *George F. Young* confessed that he was one of those heretics to whom reference had been made by the right hon. the Chancellor of the Exchequer in the course of his speech this evening. He conceived that if the motion of his hon. Friend, the Member for Worcester had in terms expressed the substitution of a Property-tax for the present system of unequal taxation, it would even then have been a fair and rational mode of settling the question by reference of its consideration to a Select Committee. The Motion contained no such terms, and was not therefore open to objection on that ground. From the quotation which had been made from the speech of the right hon. Gentleman, the President of the Board of Trade, on the 25th March, 1830, he (Mr. Young) should have supposed him to have been favorable to the principle of the adoption of a Property-tax, and though the right hon. Gentleman had qualified that speech and the expressions it contained, he would not taunt the right hon. Gentleman with a change in his sentiments upon that subject. He should support the Motion of his hon. Friend, the Member for Worcester, contenting himself with observing, that the Property-tax was repealed in 1815 in consequence of the outcry raised by the payers of that tax who were the rich. By the same class the out-cry against its re-imposition was now raised, and the demand in its favour was by the poorer classes of the community, whom it was erroneous to charge as having been parties soliciting its former repeal.

Mr. *Goulburn* did not rise to prolong the present discussion, and was only induced to offer an observation in consequence of what had just fallen from the hon. Gentleman who had last addressed the House. He must, however, first remark that he still retained the same opinion in regard to the subject of a Property-tax which he had expressed on the occasion of the discussion on the motion of the right hon. Gentleman (Mr. P. Thomson) in 1830, and as he resisted such a motion as the present then, so should he resist the motion of the hon. Member for Worcester now. He stated at that time his views of the consequences that must result from acceding to such a motion as that for the appointment of a Committee so inquire into the general taxation of the country. He had then stated the strong feeling he entertained as to the confusion which must ensue from a return to the system of a Property-tax. He had then alluded to, and pointed out, the speculations which would arise, and the losses to which every class of the trading community would be subjected owing to the uncertainty as to what tax would be repealed and what continued, until the system was brought to a final settlement. He retained those sentiments still, and in conformity to them he should oppose the present Motion, as he had done that propounded in 1830 by the right hon. Gentleman opposite. It had been said that the present Motion was distinct from a Property-tax; but such clearly was not the fact, because every hon. Member who had spoken upon it dwelt on it as connected directly with a Property-tax. The hon. Member for Tynemouth had contended that when the question of the repeal of the Property-tax was under the consideration of Parliament, it was carried by the influence of the wealthy and rich portions of the community. This he denied, for he well remembered that the agitation of the question did not originate with those who were usually termed the rich aristocracy of the country, but with an individual who avowed himself and was generally acknowledged to be the advocate of popular interests—he meant the late Lord Chancellor of England, Lord Brougham. He succeeded, and it was therefore erroneous to suppose that the repeal of the Property-tax was the act of the aristocracy. The hon. Member (Mr. G. Young) was not then in Parliament, and, of course, did not hear as he did, the speeches then made by the noble Lord against this tax, week after week, and month after month, The arguments employed against it were, that it threw impediments in the way of trade and commerce, and interfered most injuriously with the industry of the labouring classes. How came it to pass, then, that at that time this tax was selected as the one most desirable to be removed, notwithstanding the variety of other taxes that pressed upon industry? It certainly was not in deference to the wishes of the higher classes. He fully concurred in what was said upon the present occasion, that, if imposed again, it should apply alike to all parts of the empire, to Ireland as well as to England. He still continued of the same opinion which he expressed upon a former occasion, that the task of inquiring and determining what taxes it would be most advisable to repeal, or to alter, or to provide substitutes for, belonged to the Government, and not to a Committee. To refer such a question to a Committee would only increase the difficulties. On these grounds he should oppose the Motion.

The House divided:—

Ayes 42; Noes 105; Majority 63.

List of the AYES.

Angerstein, J.
Attwood, T.
Bailey, J.
Bainbridge, E. T.
Balfour, T.
Baring, T.
Barnard, E. G.
Benett, J.
Brotherton, J.
Brownrigg, J. S.
Burrell, Sir C.
Chalmers, P.
Crompton, S.
Dare, R. W. H.
Denistoun, A.
Dillwyn, L. W.
Duncombe, Hon. A.
Fielden, J.
Fleetwood, P. H.
Gaskell, D.
Gully, J.
Hawes, H.
Hardy, J.
Hindley, C.
Ingham, R.
Kearsley, J. H.
Lewis, D.
Palmer, General
Philips, M.
Pelham, Hon. C.
Pease, J.
Richards, J.
Rundle, J.
Sheldon, E.
Spry, Sir S.
Sinclair, J.
Scholefield, J.
Scott, Sir C.
Turner, W.
Trevor, A.
Wakley, T.
Williams, W.

TELLERS.

Robinson, G. R.
Young, G. F.

Paired Off.

FOR.	AGAINST.
Mr. Maxwell.	Mr. Praed.

SUPPLY—KINGSTOWN HARBOUR.] The House went into Committee of Supply.

Mr. Baring moved that the Sum of 19,750*l.* be granted for the improvement of the harbour of Kingstown, in Ireland.

Mr. *Pryme* objected to a grant on such grounds. Why should a local purpose be paid for out of the general funds? In England, where an undertaking of that nature was beneficial, capitalists were always ready to undertake it. If not beneficial, it ought not to be undertaken at all.

Mr. *Ruthven* supported the grant. He would not grudge 300,000*l.* if it were required, to keep up the communication between Ireland and this country.

Mr. *Finn* adverted to sums of 50,000*l.* and 60,000*l.* extracted from the Royal domains in Ireland, and applied to local purposes in England. What were all the improvements at Charing-Cross, and Regent Street, but local improvements, made at the general expense. When it was known that 5,000,000*l.* out of 12,000,000*l.* of Irish revenue were spent in this country he thought that such a sum as that now proposed ought not to be grudged.

Lord *Sandon* could not have agreed to the grant, if it had been strictly local; but considering that it was for the improvement of one of the great means of communication between Great Britain and Ireland, it should meet with his support.

Mr. *Chapman* supported the Motion. It was to be placed in the same category as the Breakwater at Plymouth.

Vote agreed to.

BANQUETTING HALL.] Mr. Baring moved, that 7,665*l.* be granted to defray the charge of finishing the interior of Whitehall-chapel.

Mr. *Warburton* said, that it would be in exceeding ill taste to persevere in using as a chapel a building which Inigo Jones has designed for a banquetting-hall, and which Rubens's paintings could not fail to remind the visitors was not intended for a place of worship. If the building was to be restored to the condition in which it was in the time of Charles 1st, he should not object to the grant; but he should oppose it, if it were intended again to fit up the place as a chapel.

Mr. *Ewart* agreed, that the associations connected with the place, and converting it into a chapel, were incongruous, and suggested that it should be turned into a public library, a concert-room or picture-gallery, or any other useful public purpose.

Mr. *Francis Baring* said, that the estimate was framed for the purpose of fitting up the interior as a chapel; what would be the expense or utility of fitting it up as a banquetting-hall he did not know.

Lord *Granville Somerset* said, that it had been used as a chapel from the time of the burning down of the original Whitehall-hall chapel in the reign of William 3rd. and its having been lately shut up, had been a great inconvenience to the respectable inhabitants of the vicinity. A larger estimate than the sum moved for had been given in to the Treasury, for which more ornamental improvements would be obtained, and he regretted that it was not proposed to grant the largest sum.

Major *Beauclerk* said, he would object to the grant, if the chapel were not made accessible to the poor of the vicinity. He would suggest, that half of this chapel, which was to be fitted up from the public funds, should be devoted to free seats for the poor.

Mr. *Francis Baring* agreed in the principle of the hon. and gallant Member's suggestion, but could not, without more consideration agree to the amount of space he had named; but if he would leave the matter in his hands, he pledged himself that a proper proportion of free seats should be reserved.

Major *Beauclerk* had no objection to leave the matter in the right hon. Gentleman's hands.

Mr. *Warburton* said, he should divide the Committee against the grant, since it was to be applied to making the building a chapel.

The Committee divided on the Resolution. Ayes 116; Noes 24: Majority 92.

List of the NOES.

Bowring, Dr.
Buller, C.
Buckingham, J. S.
Crawford, W. S.
Dillwyn, L. W.
Elphinstone, H.
Ewart, W.
Fielden, J.
Finn, W.
Gisborne, T.
Gully, J.
Hindley, C.
Maxwell, J.
Oliphant, L.
Pease, J.
Potter, R.
Sheldon, E.
Spiers, A. G.
Thornley, T.
Trelawney, Sir W. L.
Tulk, C. A.
Wakley, T.
Williams, W.
Wood, M.

TELLER.

Warburton, H.

HOUSES OF PARLIAMENT.] On the Motion, that the sum of 44,000*l.* should be granted to his Majesty, to defray the charge for providing temporary accommodation for the two Houses of Parliament,

Mr. *H. B. Curteis* considered 44,000*l.* for building this and the other miserable House of Parliament most enormous; and he strongly protested against it.

Mr. *Francis Baring* said, that the actual estimate for the buildings was only 30,000*l.* the remainder being for furniture and other necessary articles. The very short time allowed for restoring the buildings, unavoidably increased the expense; and, under all the circumstances, he thought the country had no reason to quarrel with the charge.

Mr. *Herbert B. Curteis* considered the charge for furniture to be most scandalously extravagant. The country was called upon to pay upwards of 10,000*l.* for nothing but a parcel of deal tables and a few rusty old chairs. He would undertake to prove that the whole of the furniture never cost so much as 2,000*l.*

Mr. *French* thought that if the charges were extravagant, the present Government at least could not be blamed for it.

Mr. *Francis Baring* assured the hon. Member (Mr. Curteis) that if he would call for the accounts he would see that he was in error as to the supposed extravagant nature of the charges.

Mr. *Tulk* regarded the charges as much too high. A splendid and magnificent building had been recently erected in Birmingham, capable of affording every possible accommodation for a larger number of people, than to the Members of both Houses of Parliament, at an expense not exceeding 22,000*l.*

Dr. *Bowring* complained of the want of accommodation for the Committees that were now sitting.

The *Chancellor of the Exchequer* admitted the inconvenience spoken of by the hon. Member; but, under all the circumstances, he thought no fault could attach to the Government, whether the present or any other, either on that account or on account of the expenses. The necessity of providing immediate accommodation to the two Houses of Parliament, put every other consideration out of view. The gentleman who superintended the restoration of the buildings was a man in whom the greatest confidence could be placed.

Mr. *George F. Young* wished to be informed whether the Government had taken any steps with respect to the erection of a new House of Commons. The Report of the Committee had been made upwards of a fortnight; and he thought that no time should be lost in acting upon it.

The *Chancellor of the Exchequer* begged to remind the hon. Gentleman that notice had already been given of a motion for an address to the Crown on that subject.

The Resolution was agreed to, and several other grants were made.

THE UNIVERSITIES.] On the next vote, of 2,000*l.* for salaries and allowances to certain Professors of the Universities of Oxford and Cambridge being put,

Mr. *Tooke* said, that he should certainly oppose any grant of the kind until the University of London had the privileges accorded to it which it had so long and so justly demanded.

Mr. *Goulburn* said, that the Members of the Universities of Oxford and Cambridge paid three times more to the public in the shape of taxes than they received as grants.

The *Chancellor of the Exchequer* said, the question of the claims of the Dissenters to University privileges, to which he was decidedly favourable, was in his opinion too large and important a Question to be decided incidentally by a vote of this nature.

Mr. Pease supported the grant.

Mr. *Tooke* said, that it was not because the Universities refused admission to the Dissenters, but because they endeavoured to prevent the London University from having a charter, that he proposed that the grant should, for the present, be suspended, but not altogether abolished. He would divide the Committee on the Question, that the Grant be for the present suspended.

The Committee divided—Ayes 86; Noes 3; Majority 83.

The House resumed.

CIVIL COURTS BILL (IRELAND) CHANGE IN PROCEEDINGS.] On the Motion that the Civil Courts Bill (Ireland) be read a second time.

Mr. Lynch moved, that it be referred to a select Committee.

Motion agreed to, and Committee named.

Mr. *Goulburn* thought this Committee too numerous, it was almost a Committee of the whole House.

Colonel *Perceval* said, if the Bill was to be referred to a Select Committee it should not be a one-sided Committee.

Sir *James Graham* said, he observed with regret a novel and mischievous proceeding of late growing up in the House, of departing from the usual and proper practice of discussing the principle of Bills on the second reading. It was said, do not discuss the principle of this Bill now as it is to be referred to a Committee up stairs. The consequence of referring important Bills to Committees of that kind (of the present Bill he knew nothing, but it seemed from the remarks of the learned Gentleman (Mr. Lynch), who ought to be considered good authority on the point, that it was a very important one), was that the Select Committee would decide upon it, and the House and the country would hear no more of it till it became a law. That was a bad practice, and he called on the Government not to overlook a consideration of that nature.

The *Chancellor of the Exchequer* said, the suggestion of the right hon. Baronet was a good one. It was certainly important that such a Bill be deliberately and dispassionately considered, and the more fairly the Committee was selected, the more likely was it that it would receive just deliberation. He thought it better that the appointment of the Committee on the present Bill should be postponed.

The *Speaker* said, after the judicious remarks of the right hon. Baronet, he would observe that a material change in conducting the business of the House was gradually taking place; and he would not say that it was a change for the better. No doubt, from the great pressure of business, some alteration might be necessary; but then that alteration should be made after the deliberate consideration of those best qualified to decide on it. By not taking such Question into consideration as formerly, precedents were established and followed from time to time, and a total change of practice gradually took place: a course which must be deprecated, as calculated to countenance dangerous precedents, and affect the proceedings of the House insensibly, but surely.

The appointment of the Committee postponed.

HOUSE OF LORDS,

Monday, June 15, 1835.

MINUTES.] Petitions presented. By the Duke of SUTHERLAND and the Earl of ROSSLYN, from four Places,—in favour of,—and by the Earl of ROSEBERY, from Stirling, against a further Grant for Building Churches in Scotland.—By the Bishop of LONDON and a NOBLE PEER, from several Places, against allowing Beer to be drunk on the Premises of Beer-shops.—By the Duke of SUTHERLAND, from Aberdeen, for a Law to prevent Clandestine Emigration.

NEW HOUSES OF PARLIAMENT.] The Earl of Rosslyn after referring to Reports of the Select Committee appointed to inquire into the best plan for re-building the two Houses of Parliament which was laid on their Lordships' Table on the 12th instant, moved that the Resolutions agreed to by that Committee, should be read *seriatim.* They were read accordingly as follows:—

Resolved. — That the Committee are of opinion that it is expedient that the designs for the rebuilding of the Houses of Parliament should be left open to general competition.

That the Committee are of opinion that the style of the buildings should be either Gothic or Elizabethan.

That the Committee are of opinion that a lithographic plan should be made of Westminster Hall, and of the premises adjoining shewing the entire area to be occupied by the intended new buildings, and including the space to be gained by the intended embankment of the river.

That the Committee are of opinion that the plans should be delivered into the office of the Woods and Buildings at Whitehall on or before the 1st of November next.

That the Committee concur in the Resolution of the House of Commons, that a premium of 500*l.* should be given to each of the parties whose plans shall be recommended by the Commissioners, and that the successful competitor shall not be considered as having necessarily a claim to be intrusted with the execution of the work, but, if not so employed, that he shall receive an additional reward of 1,000*l.*

That the Committee are of opinion, that all designs should be executed on one scale—namely, of twenty feet to an inch; and that no coloured drawing of any kind should be received, nor any perspective ones, save such as shall be taken from situations selected and specified on the lithographic plan to be delivered to the parties.

That the Committee are of opinion, that all persons wishing to furnish plans for rebuilding of the two Houses of Parliament should, on application to the Office of the Woods and Works Department in Whitehall Place, be furnished, on the payment of 1*l.*, with a copy of the Resolutions of the Rebuilding Committee of both Houses of Parliament, with a copy of the evidence relative to the proposed accommodation of the two Houses, and of the offices and other buildings thereunto belonging, and with a copy of the specified measurements, and of the lithographic plan on which is pointed out the ground destined as the site for the above-mentioned buildings.

That the Committee are of opinion, that in order to save any unnecessary delay in procuring the plans, or unnecessary trouble and expense to the parties furnishing them, it should not be required that any estimate should accompany a design; and should the Commissioners, on consideration, deem an estimate necessary to guide their decision, any party called upon to furnish it should receive compensation should his plan be ultimately rejected.

That the Committee are of opinion, that with the lithographic plan there should be given a specification of the general accommodation required, of the dimensions of the principal offices, of the number of persons which either House of Parliament should be calculated to hold on the floor, of the space to be allowed for each Member, and a description of the form of each House, so far as may have been determined by the respective Committees.

That the Committee are of opinion, that the statement annexed hereto, of the proposed dimensions of the rooms and offices required for conducting the necessary business of the House should be adopted.

That in the specification of the several measurements which have been adopted, the Committee have had it in view to afford a general guidance to the architects in preparing their plans, without intending to limit them to the precise dimensions prescribed for each room, with the understanding, however, that the several areas should not in general be less than the sizes specified.

That the Committee are of opinion, that the Usher of the Black Rod should have an official residence within the walls of the proposed building, and that it should contain a place of confinement for the persons committed to his custody.

That the Committee are of opinion, that in order more effectually to secure a correct decision upon the merits of the several plans, it is expedient that an humble Address be presented to his Majesty, beseeching him to appoint five Commissioners to examine and report generally to the Committees of both Houses of Parliament upon the plans offered by the competitors; and that such Commissioners shall select and classify such of the plans, being not less than three, or more than five, in number, as shall seem to them most worthy the attention of the Committee, and shall state, if required, to the respective Committees, the grounds upon which the propriety of such selection and classification is founded, and that the plans to be submitted to the Commissioners shall be delivered into the Office of Woods and Buildings, on or before the 1st of November next.

That it appears to this Committee to be expedient that the said Commissioners so to be appointed, shall make their Report of the plans selected by them, on or before the 20th day of January next.

House of Lords and its Offices.—Proposed Accommodation. House of Lords.

That the House should be capable of containing 300 Peers on the floor, two feet being allowed for each Peer; and that the space occupied by each row of benches should not be less than three feet. That the same space be allowed below the Bar, and for the Throne, as was allowed in the House now occupied by the House of Commons. That the breadth of any new House to be erected should be such as to admit of one row of benches on each side, in addition to those which existed in the room lately occupied by this House, now occupied by the House of Commons. That a Lobby be provided for the Members of the House of Commons, and other persons waiting to be called in, of not less than about forty feet by thirty, opposite the centre of the great door, and a Hall outside of the said Lobby. That a passage be provided leading round the outside of the House, and communicating with the Lobbies and the gangways in the House.

The Earl of *Malmesbury* begged to observe, that he thought that the space allotted for the House was not sufficient for the accommodation of their Lordships. It was agreed, he believed, that the accommodation proposed should be sufficient for 300 persons on the floor of the House. He saw no provision respecting galleries for their Lordships, and he hoped there would be none, for nothing could be more inconvenient than these galleries. According to the measurement given for the House, he found that there would not be more than two feet allowed for a sitting space, which he thought their Lordships would agree with him was not large enough for convenient accommodation. Upon the division on the Reform Bill, which he believed was the largest remembered in that House, the numbers present were 278. Since then there had been a considerable accession to their numbers; and, therefore, he should suggest that there should be an increase of three inches on the space of two feet now proposed to be allotted. This was his first proposition, by way of amendment. His next was, that some larger space should be allotted below the Bar, and in front of the Throne, for the accommodation of their Lordships' sons and other gentlemen. The gangways near the Throne were exceedingly narrow, and had often been found to be very inconvenient; he should, therefore, propose to alter the words of the Resolution, and instead of saying, "as large a space as before," he should propose the words be "larger than before."

The Earl of *Rosslyn* explained that both these matters had been the subject of consideration, and that considerable inconvenience would arise from the proposed increase in the size of the House.

The Earl of *Malmesbury* would not press his objection with respect to the space to be allotted to each Peer; but he should persist in his second object, that of enlarging the space between the Throne and the Bar. Much inconvenience was experienced when divisions took place, in which some noble Lords did not wish to join, and who, therefore, retired behind the Woolsack. On such occasions, the space, in the old House, had been most inconveniently crowded.

The Marquess of *Lansdown* said, the Committee had fixed on the *minimum* of space as a direction to the architect that the House and its avenues should not be smaller than was described in the Report. He conceived that it would be better to submit to a little inconvenience on one or two occasions, rather than interfere with what had been done after mature consideration. In his opinion, the space proposed to be allowed between the Throne and the Woolsack was sufficiently large for every useful purpose. Indeed, conversations frequently took place behind the Woolsack, which must have the effect of distracting the Lord Chancellor's attention, and he was not anxious to afford additional facilities for such a practice. It was necessary to proceed as speedily as possible in order to give architects time to prepare their plans, and also time for the due consideration of those plans. It was proposed, that five Commissioners should be appointed by the Crown, to whom all the plans sent in should be referred. From these a few should be selected, and referred to the Committee of both Houses of Parliament, who were to decide ultimately on that which appeared to be the most eligible. Although neither the Committee of the House of Commons nor of the House of Lords had decided on the *maximum* or *minimum* of expense, yet he could assure their Lordships, that that subject had not escaped the attention of either Committee. It should not go forth, that though the Legislature were prepared to act with due liberality in raising a pile worthy of the country, they would not adhere to a system of strict economy on this as on other occasions. A due regard to the expense would form one of the principal ingredients in the ultimate consideration of the Committee, when the plans were submitted to them.

The Earl of *Malmesbury* was still of opinion, that a greater space should be allowed between the Throne and the Woolsack.

Lord *Brougham* said, the noble Earl seemed to think that the House proposed to be built would be too small, but it was possible that they might have to encounter the opposite inconvenience if they greatly extended the plan—the House in that case might be too large for the transaction of business. A very large hall might be splendid to look at, but might be very inconvenient for the performance of legislative duties. There was one point which his noble Friend, the President of the Council, had suggested to him that every one must admit to be worthy of serious consideration. He alluded to the expense. He would not be niggardly in the grant that ought to be appropriated to this purpose, but fair and just economy ought to form an element in the consideration of this subject. He would, *ceteris paribus*, have the work executed on the least expensive plan. They ought, while they raised a building properly suited to the purposes for which it was intended, to endeavour at the same time to suit the public pocket. For his own part he would rather have a plain building, but substantial and good, than one that would look fine and cost but little. To execute public works on this latter plan was the greatest blunder that could be committed; and he hoped that the system of competition which was to be adopted on the present occasion would not lead to such a result. He understood that the library was to consist of two rooms. Now, he certainly should prefer one spacious, lofty, and well-lighted room. He saw, by the Report, that there would be in and about the House between 100 and 120 rooms, besides two or three residences; and the other House of Parliament, he supposed, would be furnished in the same proportion. If this were so, it would be most expensive, and would besides take a very long time before the buildings could be completed.

The Earl of *Malmesbury* then proposed the words "a larger space," which he insisted ought to be adopted, as there should be space enough not only for their Lordships' sons, who were to succeed them, but for distinguished foreigners.

The Earl of *Wicklow* thought that the erection of a gallery would provide for visitors of all kinds better than an enlargement of the House.

The Earl of *Limerick* was of opinion that there should be accommodation for the Peers of Ireland who were not Peers of Parliament.

Lord Kenyon proposed to refer back the matter to the Committee.

The Earl of Malmesbury was ready to accede to that proposal.

The Marquess of Lansdown objected to the delay.

Lord *Denman* suggested that the noble Earl should print his Amendment and circulate it, as the Resolutions had been circulated among their Lordships.

The Earl of *Malmesbury* should be willing to accede to the proposal but for the objection of delay raised by the noble Marquess opposite.

The Marquess of *Lansdown* said, that the debate might be adjourned till to-morrow to consider of the matter finally.

The House divided on the Earl of Malmesbury's Amendment, Contents 25; not Contents 30; Majority 5.

The Resolutions were agreed to; and on the Motion of Lord Rosslyn, an Address to the King, praying his Majesty to take the necessary steps to carry them into effect, was also agreed to.

SPAIN—ORDER IN COUNCIL.] The Marquess of *Londonderry* wished to put two questions to the noble Viscount (Melbourne), the result of which, he felt, deeply concerned the national honour and the dearest interests of the country, and which he hoped the noble Viscount, or some noble Lord engaged in the Administration of Foreign Affairs, was prepared to answer. The first was, whether the recent Order in Council issued relative to the enlistment of British subjects in the Spanish service was a spontaneous act on the part of his Majesty's Government, or had resulted from any especial application on the part of some foreign Power? The second was a still more important point to be well understood by the British public. Their Lordships were well aware that during the short period in which his noble Friend, the Duke of Wellington, held the Foreign Seals he had effected a convention between the parties then engaged, on the Spanish soil, in exterminating warfare, alike creditable to his talents, justice, and humanity, as it was beneficial to the country desolated by that unhappy, civil strife. He was now desirous to be informed whether the benefits which had been so happily secured to the native combatants engaged in this protracted struggle, by the merciful arrangements so prudently and admirably effected by Lord Eliot's mission, were also to be extended to the individuals who might now enlist in the service of the Queen of Spain under the suspension of the Foreign Enlistment Act by the new Order in Council? He could not conclude without expressing a hope that the important political consequences of the step thus taken by the present Administration would yet form a subject of deep consideration and serious discussion in that House.

Viscount *Melbourne* had no hesitation in affording the information requested by the Noble Marquess, and would avow that the Order in Council alluded to, was not a spontaneous act, but was issued on application of the Ambassador of her Majesty, the Queen of Spain. He fully concurred in the eulogium which had been pronounced on the wisdom, justice, and humanity that characterized the policy of the noble Duke lately at the head of Foreign Affairs, with respect to the convention which he had negociated between the parties engaged in the war in Spain, and which had been carried into effect with such prudence and judgment by Lord Eliot and his brother Commissioner. He was happy to learn that the convention had at once been carried into satisfactory effect, and had already been productive of the best consequences. It had saved the lives of several hundred persons engaged on both sides and had been the means of extending other benefits arising out of its merciful arrangements, through that distracted country. It was fully understood that the spirit of that convention would regulate the whole of the war, and that the individuals alluded to by the noble Marquess, who were now permitted to enlist in the service of the Queen of Spain, would of course be included in any protection it might be able to afford.

Lord *Brougham* declared, that he also was ready to concede full credit to the noble Duke for the sincerity of his wishes to secure the independence and prosperity of the Peninsula, as well as for the spirit of benevolence in which he had framed the convention for the exchange of prisoners, while he presided over the late negotiations. He fully approved of what had been done to soften the horrors of warfare in Spain and Portugal, and could not forbear impressing on their Lordships his sense of how much yet remained to be effected in a similar spirit of wise and pacific intervention to secure the external peace and prosperity of those countries in relation to the intercourse with their colonies in the new world. He could wish to behold the spirit of that convention carried into effect for the removal of all existing strife and discord between the contending parties of the old and the new worlds. The reduction of the independent provinces of New Spain was now utterly impossible; and it would only be consistent with good sense and good policy to obtain a recognition of the fact on all hands as soon as possible. He trusted that his Majesty's Government, as well as that of France, would not fail to take the earliest opportunity of effectively interfering to put an end to the now worse than useless hostilities continuing between the old world and the new, and thereby put a stop to all the uncertainty, embarrassment and confusion which now pervaded the mercantile transactions subsisting between them. The relation in which the new world now stood to Europe involved political as well as mercantile considerations, which it was of the highest consequence to have established on a secure and pacific basis. The hold which Spain and Portugal still maintained on their emancipated colonies was merely nominal, and must be relinquished, for the claims of civilization, and the interests of humanity, were pre-eminent.

Viscount *Melbourne* said, he was not exactly aware how the Question between Spain and her colonies at present stood, but he apprehended that the object not only of the present Government, but the object of every Government which had preceded the present, had been to use every means in its power to promote a reconciliation between Old Spain and her colonies. That continued to be the object of the present Government, and he could assure his noble and learned Friend and the House that they would lose no opportunity of endeavouring to effect an object so desirable.

The Marquess of *Londonderry*: If I correctly understand the reply made by the noble Lord to my first question it is this: that the Order in Council originated in the direct application of the Spanish Ambassador, not in any application from her Majesty or the Cortes?

Viscount Melbourne intimated his assent.

HOUSE OF COMMONS,

Monday, June 15, 1835.

MINUTES.] Bills. Read a second time:—Stafford Disfranchisement; Dominica Indemnity; Offences against the Person.

Petitions presented. By Dr. BALDWIN, from Moinard, for Corporation Reform; from Cork, for the Abolition of Tithes, also for the Introduction of Poor-laws into Ireland, also for the Repeal of the Duty on Glass.—By Mr. GILLON, from the Handloom Weavers of three Places, for a Board of Trade; from Leith and Newhaven, for the Abolition of Tithes on Fish.—By Mr. H. FLEETWOOD, from Preston, for Corporation Reform.—By Messrs. PHILPOT and BUCKINGHAM, from several Places,—against Drunkenness; from South Shields, for the Better Protection of Merchant Seamen.—By Mr. INGHAM, from Newcastle-upon-Tyne, against any Alteration in the Timber Duties; from South Shields, in favour of the Seamen's Enlistment Bill.—By Mr. MARK PHILIPS, from Manchester, and Mr. HUTT, from Kingston-upon-Hull, for excepting all Courts for the Recovery of Small Debts from the operation of the Imprisonment for Debt Bill.—By Major BEAUCLERK, from Christ Church, Surrey, against that Bill.—By Mr. MARK PHILIPS, from Manchester, for Abolishing the Jurisdiction of Ecclesiastical Courts, also for a General Registration.—By Sir F. H. GOODRICKE, from Stafford, and Mr. Serjeant JACKSON, from Ballymenel, for Protection to the Irish Protestant Church.—By Mr. J. H. LOWTHER, from the Printers of York, against the Repeal of the Duty on Newspapers Stamps.—By Mr. STUART WORTLEY, from several Places, for Protection to the Church of Scotland.—By Mr. R. WALLACE, from Greenock, against the Seamen's Enlistment Bill; also against all Taxes on Knowledge; also for the Establishment of Public Literary Institutions; also against any Grant for Building Churches in Scotland.—By Sir R. BATESON, from Londonderry, against paying Arrears of Tithes for the years 1831 and 1832; from Antrim, for Protection to the Irish Protestant Church; from the Linen Manufactories of Londonderry, for the Re-enactment of the Linen Manufactures (Ireland) Act.—By Mr. ROBINSON, Mr. EWART, and Mr. V. SMITH, from Liverpool and Northampton,—in favour of the Municipal Corporation Bill,

CORK ELECTION.] Dr. *Baldwin* presented a Petition from freeholders of Cork, praying the House to adopt measures for the better prevention of bribery and corruption at Elections. He declared that the Conservative Club of Dublin at the last election for Cork had sent down money for the purpose of bribing the freeholders and freemen, and that an office was opened in George's-street to distribute the money, which was done in the most unblushing and shameless manner. He was glad to see the noble Lord in his place, whose father had the merit of introducing the Reform Bill, and he trusted that he and the other members of his Majesty's Government would see the necessity of introducing some measure which would prevent these malpractices—which would preven the city being put to the expense of petitioning that House, and would save Committees of that House the trouble of turning out obtrusive Members from the seats they had usurped. The petitioners suggested that candidates should be required to take the same oaths against bribery that was required to be taken by the electors at present. None of the evils which it was supposed by some would result from the adoption of the Ballot, could ensue from such a course. It was well known that the system of the Ballot had been found to work well in the election of Directors of the East India Company, which legislated for so many millions of persons, and he was a decided advocate for it. He begged that the petition be referred to the Select Committee on Bribery at Elections.

Colonel *Perceval* regretted that the late Members for the city of Cork were not in that House, that they might have an opportunity of replying to the very serious charges of bribery and corruption which had been brought against them by the learned Doctor. He was satisfied that his hon. Friends, the unseated Members, were not taxable with such offences. He was perfectly satisfied that if none but those who possessed a *bona fide* franchise were allowed to vote, the result of the late Cork city Election would have been very different; but the Committee had refused to go into the qualification of 1,080 persons objected to. He greatly regretted that in almost every case of Irish Election petitions justice had not been done, in consequence of this scrutiny not having been entered upon. The only remedy for this would be a revision of the freeholders' list, as the Courts of Justice were at present closed against any persons petitioning against freeholders whose title was good for eight years. He would not have risen if the learned Doctor had not alluded to the imaginary conduct of some society in Dublin, which had sent down money to defray the expenses of the Conservative candidates. He (Col. P.) begged to deny the charge that he was a Member of any such society. He believed there was at present a Bill before the House for the prevention of bribery at elections, which included a provision for candidates taking the same oaths as the freeholders.

Mr. *O'Dwyer* denied that there were too many facilities to the registering of freeholders in Ireland. There was scarcely any impediment in England, while in Ireland they had to appear before the Registering Barrister, and undergo a severe cross-examination from any person who pleased. Many of those Conservatives who were most violent in their opposition to the people had no money of their own, and therefore must have been supported and returned by the friends of the Conservative body.

Petition referred to the Committee sitting to inquire into bribery at elections.

CASE OF MR. OPPENHEIM.] Mr. *Buckingham* presented a Petition from an individual of the name of Alexander Oppenheim who had formerly conducted two public Journals in Jamaica. In 1831, an insurrection having arisen among the slaves of that island, it was imputed to this gentleman that the general tendency of his writings had the effect of exciting this insurrection, and the consequence was, that he was imprisoned without any legal process, or specific charge being made against him. Notwithstanding this conduct, he had been altogether unable to obtain redress, and the public feelings had been so much excited by his imprisonment, that this Gentleman had been unable to continue in his profession. He had, consequently, returned to England, and applied for the situation of Stipendiary Magistrate, for which, by his residence in the island, he was well qualified; but he had not succeeded in obtaining such appointment. He recommended the case to the consideration of his Majesty's Ministers.

Petition to lie on the Table.

NEWSPAPERS.] Mr. Lowther presented a petition from printers, &c., of York, praying that the whole of the duty on newspapers might not be reduced. The petition spoke in strong terms of the favourable condition in which the newspaper press of this country now was.

Mr. *Roebuck* said, this petition contained extraordinary and self-contradictory statements. The petitioners talked of the high character of the newspaper press of this country. Now there never was a press so degraded, so thoroughly immoral, as the newspaper press of this country; a despotism of the basest and most cowardly description was exercised by the persons connected with newspapers, who were ready on every occasion to ruin the public reputation of individuals in articles to which they did not dare to put their names: any thing so perfectly cowardly in feeling, and so despotic in execution, could not be instanced as the conduct of the newspaper press in this country, and they were told, forsooth, of the high character of that press! If the stamp duties were taken off, it would not then have the power with impunity to ruin the reputation of individuals, for its attacks would be answered and its slanders exposed—that alone would be a great benefit. He would assert with confidence, that from the highest to the lowest of the newspaper press, the most paltry corruption, the basest cowardice, and the blackest immorality, were the governing principles of the newspaper press of this country.

Mr. *Lowther*, who had presented the petition, said that although he had suffered like many other individuals in some respects, from portions of the press, he should be sorry to express himself in the manner that the hon. Member had done.

Mr. *Hume* said, that though the hon. Member for Bath had so characterised some portion of the press, he was not disposed to join with him in those remarks as applicable to the whole, because some portion of it was conducted with as much honour as other portions of it were with disgrace. He was not, therefore, disposed to join in such a sweeping censure, though the condemnation might well apply to some of the conductors of the newspaper press. He, however, hailed many of them as the benefactors of the human race, and the protectors of liberty and freedom ; the majority of them had come forward to defend the people's rights and to oppose corruption. He wished the House to observe, that this was a petition for the benefit of the few, because they were engaged in a monopoly which the repeal of the Stamp-duties would destroy. The petitioners objected to competition, which they alleged to be ruinous, but which had always been beneficial to the public—nor did he conceive it likely to be productive of injury in the present case. He held that if the press were once opened and freed from the present tax, there would be an opportunity of meeting slanderous accusations, which could not now be done. He therefore thought that the prayer of this petition was not deserving of the attention of the House.

Petition to lie on the Table.

Tithes (Ireland).] Sir *Robert Bateson* presented a Petition from the Lord-lieutenant, and a large body of the landed proprietors of the county of Londonderry, on the subject of tithes, and praying for more justice than had characterised former Bills. He regretted that he did not see on the opposite benches any Member of his Majesty's Government connected with Ireland ; he would be satisfied if he could only see the hon. and learned Member for Dublin, who, he believed, was one of the most influential of the Irish Ministers. He saw only some of the followers of the hon. and learned Member.

Mr. *O'Dwyer* rose to order. He complained of the word "followers" being applied to the Members of that House, and appealed to the Speaker to know if one Member were at liberty so to speak of others.

The *Speaker* had not observed that the hon. Baronet was out of order.

Mr. *O'Dwyer:* what would be said of me, if I were to speak of Lord Roden and the squad in the same manner?

Sir *Robert Bateson* said, he had not meant to give any offence. He did not think the word so very objectionable. He had heard the word "tail" mentioned in that House with impunity, over and over again. He had selected a harmless word without meaning any personal offence. But, as it appeared to offend the sensitive feelings of the hon. Member for Drogheda, he should not use it again. He had given notice of this petition, and regretted that none of his Majesty's Ministers were present. The petitioners stated, that after the Tithe Bill of 1832, they had entered into a compact with their tenants to pay the tithes for them, some of the landlords had not done so, and as it was understood that the balance of the million fund would be applied to the payment of arrears, which would be nothing less than a bounty on agitation, it was hoped that if any portion of the arrears of tithes for 1834 were paid, those who had secured quiet and tranquillity would have the benefit of it. The petitioners prayed that in any Bill which might be introduced on the subject of tithes, their case would be taken into consideration, and evenhanded justice be thus dispensed to all classes of his Majesty's subjects. Many of these petitioners had paid the tithes of the year 1834, and they were deserving the consideration of the Legislature.

Mr. *O'Dwyer*, in reference to the observations made by the hon. Member for Londonderry as to "the followers" of the hon. and learned Member for Dublin, said, he did not conceive that such observations were proper ; and he had also to remark that few persons who used such general observations would apply them to individuals, and he begged to convey that intimation in the most unequivocal manner to the hon. Member for Londonderry. He hoped that the Government would be too straightforward and too courageous in their determination to do justice to Ireland, to allow themselves to be influenced by the base intimidations resorted to by those who were opposed to them, who would brand every good measure they suggested for the country as originating with the hon. and learned Member for Dublin, and being carried b his influence.

Sir *Robert Bateson* was quite surprised at the tone adopted by the hon. Member for Drogheda. It was quite ridiculous to suppose he intended any offence to that hon. Member. What he had said of the hon. and learned Member for Dublin should be considered as a compliment to his talents.

Lord *Morpeth* understood that a complaint had been made of his not being in his place on the presentation of the Londonderry petition. If he had known that any statement was about to be made for which his presence could be required, he should most willingly have attended. At the same time he must be permitted to say that he could hardly enter into the proposed question of Irish tithes until he had the opportunity of bringing forward that question.

Petition to lie on the Table.

Mr. *Sheil* did not consider that the hon. Member for Drogheda should have been at all angry with the hon. Member for Londonderry, whose high powers of sarcasm were so well known to them.

Ipswich Election.] The Serjeant-at-Arms reported that he had taken John Bond, Arthur Bott Cooke, Robert Beauchamp Clamp, P. F. O'Malley, and J. E. Sparrow, against whom the Speaker had issued his warrant, in custody.

Sir *George Clerk* presented three Petitions from three of the parties; he said that he knew nothing of them personally, but they stated that they were ignorant that they were offending against the privileges of the House by keeping out of the way, and threw themselves on the indulgence and mercy of the House. The first petition was from John Bond; it stated that he was by trade a tanner, and that he had for some time wished to go to Belgium on business, and that he had gone to Ostend as well to avoid being summoned as for the purposes of his trade. He had been accompanied by no other parties, and had borne the whole expense himself. He had returned on the 20th of April last, but had no intention to violate the privileges of the House. The second petition was from Arthur Bott Cooke, who also asserted his ignorance that he was offending by keeping out of the way, and expressed his confidence in the mercy of the House. The third petition was from R. B. Clamp, who likewise entreated the forbearance of the House, on the ground of ignorance.

An *Hon. Member* bore testimony to the good character of the last petitioner. No man ever bore a better character for a great many years than Mr. Clamp.

Mr. Sergeant *Jackson* presented a Petition from Mr. O'Malley, the barrister, which stated that he had had nothing to do with the Ipswich election until two days before the meeting of the Committee, when he was retained as counsel. The only interview he had with Pilgrim was at the instance of the latter, who wished to consult him about his own affairs with Messrs. Sewell and Blake. Pilgrim was then about to quit London, and for the sake of further consultation he (Mr. O'Malley) had accompanied Pilgrim in a hackney coach to the place from which the stage started. The petitioner admitted that he knew Pilgrim was then avoiding the summons of the Committee, but denied that he had given him any advice to abscond. The petitioner asserted that he had no intention to violate any of the privileges of the House, and added, that his health was so delicate that he had only been able to pursue his profession at intervals.

The Petition was brought up and read.

Mr. *Gisborne* did not know how many other petitions remained to be presented, but he was sure that where he sat not one word of the contents of those already laid upon the Table had been heard. At any rate it was the case with himself, and he was not sitting near the end of the House. He had hardly heard a single word of either of the petitions. He was of opinion that it would save time to have the petitions printed at once, and wait until they were in the hands of Members before discussing the prayer of them.

Mr. *Williams Wynn* said, that if the Motion was, that these persons continue in custody or be discharged, he should agree with the hon. Member as to the propriety of the course he had proposed; but standing as the House did in a judicial capacity, and these persons being before it for the purpose of receiving judgment, it was the duty of the House to hear their petitions. Before they proceeded to judge these persons, it was right that hon. Members should hear what they had to say in extenuation of their conduct; and if the petitions had not been heard, it was proper that they should be read again, so that every hon. Member might be aware of their contents. Here were individuals who had been accused of a serious offence, and they could not properly be either committed to custody or discharged until they had been heard. He was sure that as the petitions had not been heard, the House would give them its strict attention while they were being read over by the Clerk.

The petitions were then again read at length by the Clerk, and were ordered to lie on the Table.

An *Hon. Member* presented a Petition from John Bury Dasent, who stated, that although he had been guilty of the offence of absconding to avoid the service of the Speaker's warrant on him, yet that he had afterwards voluntarily appeared before the Committee, and had been examined at great length, and had given the fullest possible evidence, and no evidence had been given before the Committee to criminate him in the slightest degree. He therefore prayed the House to liberate him from his present very painful position.

Petition read.

Mr. *Walter Campbell* stated, that he had received last night a letter from this petitioner, remarking that an expression made use of by him on a former occasion was not correct. The words complained of were, that the petitioner had been the dupe of Mr. Kelly. It appeared, however, that he had not acted under the instructions of that gentleman, whose pupil he had formerly been, but had fallen into error from an anxiety to support the cause of his friend. He felt, also, bound to say that at the time he was absent he was so without the knowledge or approbation of Mr. Kelly. Again, in the most generous manner the petitioner declared that although he had been guilty of some acts of bribery, it had been done without the knowledge of Mr. Kelly. He had felt bound, as a Judge, to concur in the Report that had been made to the House respecting the conduct of the petitioner; but he could not help feeling that that Gentleman had acted in the manner he had from a feeling of chivalrous friendship. He had, possibly, made himself liable to some punishment for having been guilty of bribery, but he had then been brought forward for absenting himself from the service of the Speaker's warrant. Although he did this at first, yet afterwards he had come forward and given evidence. He therefore thought that the petitioner should be treated with more leniency than those persons who did not appear before the Committee. It was the unanimous recommendation of the Committee that he should be treated with greater leniency than the other persons implicated. He believed that the recommendations of juries in Common-law Courts were uniformly attended to, and he did not think that he was arrogating for the Committee too much in asking that their suggestion should be attended to. He trusted that a reprimand would be thought sufficient after the incarceration this gentleman had suffered.

Sir *Henry Hardinge* wished to ask the hon. Member whether this individual did not state in evidence on oath that Mr. Kelly had no knowledge of any act of bribery committed by him?

Mr. *Walter Campbell* replied, that it certainly was the case. The witness observed that, although he had been guilty of bribery, yet that he had done so spontaneously, and without the knowledge of the candidates.

The petition to lie on the Table.

Lord Ebrington presented a Petition from John Clipperton, of similar import.

Ordered to lie on the Table.

Mr. *Gisborne* said, that as it had been announced that the several persons ordered to be taken into custody on Friday last were now in the custody of the Serjeant-at-Arms, it became his duty to submit a Motion to the House as to the manner they should be dealt with. He had said on a former occasion, that it was open for the House to pursue one of two courses. They might assume the guilt of the parties from the Report of the Committee and the evidence taken before it, or they might proceed to give the parties a hearing. Between these two courses no intermediate line could be drawn. He was of opinion that it was most expedient to pursue the first of the two courses; and he was happy to find that the opinion which he had taken up had been fortified by a number of cases to which he had referred. He found that with only two exceptions the House had never called a person to the Bar, or in any manner listened to what he had to say in his defence, after he had been reported guilty of a breach of privilege, but had been treated as a guilty person. He would state to the House some of the cases to which he had referred. He would, however, previously observe, that he was satisfied that they would not be justified in hearing an explanation from any of those persons at the Bar without giving them a fair trial—they must allow them to call witnesses, and give them all the formalities of a trial. The first case to which he should refer, was that of Tregony, in the year 1813, when Thomas Croggon was reported against by the Election Committee, and was ordered to be taken into the custody of the Sergeant-at-Arms, and was then committed to Newgate, and was not brought to the Bar until some time afterwards, when he was reprimanded and discharged. Another case was that of the Camelford election, to which such frequent allusion had been made on a former night, when Mr. Hallett was committed for having wilfully absconded to avoid the Speaker's warrrant. This person was afterwards committed to Newgate, and was subsequently brought to the Bar, reprimanded, and discharged. The next case was the Grantham election, where Sir William Manners and A. Jarvis were reported against by the Committee for having absconded to avoid the Speaker's warrant, and they were ordered to be committed to Newgate without being brought to the Bar. Shortly after this case, there was that of Mr. Stansbury, in connexion with the Penryn election, when that person was committed to Newgate. There were eight other cases of the same kind between the years 1802 and 1807, and, with only one exception, the persons complained against were taken and committed to Newgate. There were also other cases which he could quote of the same kind, which tended to show the uniform practice of the House. Before he proceeded to notice the two cases on the other side, he would merely allude to the Aylesbury election, where a person was ordered by the Committee into the custody of the Sergeant-at-Arms, and this order was afterwards confirmed by the House without opposition; the person was afterwards brought to the Bar of the House, and reprimanded. Again, in the Camelford case, a witness was committed by the Committee for prevarication, and this order was at once confirmed by the House. The only two exceptions to the rule he had stated were in the case of a witness in the Southwark election in 1796, who was brought by the Sergeant-at-Arms to the Bar, and was reprimanded, and then sent to Newgate; and also in the Dumfermline election case, the circumstances were nearly similar. In every instance that he had referred to, with the exception of these two, the other course had been invariably followed. In accordance then with the principle he contended for, he should move, that the parties now in custody should be forthwith committed to Newgate. The House was aware that there was a great difference between these cases; some of the parties had been guilty of absconding to avoid the Speaker's warrant, and others were charged with aiding, assisting, and counselling them in their flight. Now, he did not know that it would be necessary to put the question individually in each case, but at all events it would be necessary to place them in two classes. He intended to move, that all the parties against whom the accusation was brought in the Report of the Committee, should be sent to Newgate. He knew that it had been held by Lord Chatham, Burke, and Fox, and many other eminent statesmen, that the House ought not to apply to a Court of Law respecting any offence under its cognizance, but examine into, and proceed to punishment. This doctrine was not so much contended for at the present time, but he thought that a much sounder principle was now maintained, namely, that the House should only use their power of punishment when the offences complained of could not be proceeded against in the Courts of Law. He thought that the minds, even of offenders, should be convinced of the propriety of the course pursued towards them. It had been clearly shown that the House could not afford security to the ends of justice if they did not punish those who threw impediments in the way of inquiry before an Election Committee. It was admitted, that no person could be punished by a Court of Law for absconding from the service of the warrant; it was, therefore utterly useless to resort to one of these tribunals; there was therefore no other course open to them, than to do that which they had invariably done in similar cases of the kind. It was the opinion of the Committee, that these persons ought to be punished; he should therefore move, "That John Bond be committed to the gaol of Newgate."

The *Speaker* suggested, that before this Motion was put, the Report of the Ipswich Election Committee should be read, and afterwards, that the hon. Member should move, that the persons named in it were guilty of a breach of the privileges of the House.

On the Motion of Mr. Gisborne, the Clerk read the Report of the Election Committee.

Mr. Gisborne then moved, "That John

Bond having absconded from the service of the Speaker's warrant, had been guilty of a breach of the privileges of the House."

Mr. *Williams Wynn* said, that this was a charge against parties which in itself amounted to a high contempt for the authority of that House. He could not imagine that upon that question, there could be a dissentient voice. The most important privileges of that House were its inquisitorial functions; and if any persons should obstruct those functions by absconding, to avoid giving evidence before a Committee, or by instigating and persuading any persons to abscond, he should apprehend that such an offence would call for the most severe exercise of the power of the House. The immediate question, however, before the House, was in what manner they were satisfied that the offence charged to these parties had been committed. The question was, in what manner they should proceed to satisfy the justice of the case. It appeared to him that the Report of a Committee with respect to any such conduct as these persons were alleged to be guilty of, was good evidence; above all, such was the case with respect to some of the cases referred to by the hon. Member, in which it appeared the witnesses prevaricated before the Committee, for the House could not judge of their conduct, or of the bearing of their evidence. With respect to the cases of absconding, it appeared to him that such conduct was calculated to throw insurmountable difficulties in the way of any inquiry before a Committee, and it became the duty of the House, without further ceremony, to give orders that the persons guilty of such conduct should be taken into custody. After this had been done, it became the duty of the House to make itself acquainted with the bearing of the case before the Committee, and to inflict punishment on the offender according to the degree of his guilt. He, therefore, thought that the House should have the evidence before it, when it might judge with propriety all the circumstances, either in aggravation or extenuation. Until he had seen the evidence, he should be unable to judge what degree of punishment might be inflicted as expiative of the offence. He knew nothing whatever of the case until he came into the House, and he was totally and entirely ignorant of the circumstances of it. It was the opinion of the Members of the Committee, that there were discriminating circumstances in the case, and that some of the parties ought not to be punished with the same severity as others. There were strong circumstances in favour of one party. They could have no difficulty in referring to the preliminary resolution with respect to every one of the parties, in satisfying themselves that every one of them was guilty of the breach of the privileges of the House; because they each, in their petitions, severally confessed that they did abscond to avoid giving evidence. There could be no doubt, therefore, of the matter, so far as the resolution went to affect parties absconding, but with reference to the nature of the punishment, (for all these parties were to be committed to Newgate), it was, and always had been determined by the circumstances of the case; supposing, for instance, that the House really did believe that one party offending had taken the earliest possible opportunity of making reparation for his offence, the Committee having declared, too, that he gave his evidence fairly. He did not mean to say this as an absolute defence, but it amounted to a degree of expiation of his offence, which the House ought to consider when it should come to deal with the subject. Perhaps the hon. Member for Derbyshire would state within what period the evidence could be printed; because he thought they ought to give credit to the sentiments contained in the petitions, and there were one or two cases in which he should feel great objection to sending the parties for three weeks to Newgate, for that would be about the period which would be required to have the whole of the evidence printed. He might say, by the way, that he was sorry the proceeding had not been adopted which was acted upon in the Weymouth case, when the evidence was referred back to the Committee, that they might select that part of the evidence which bore on a particular part of the subject, and was by them laid before the House without waiting for the whole mass of the evidence. But it seemed to him, that as in the Court of King's Bench, when a conviction by a Jury took place, there were also affidavits allowed to be made, and statements received in mitigation or aggravation of punishment, therefore the House ought to proceed to punish on the same principle. The House should consider whether these parties might not be dismissed, and ordered to attend on a future day, by which time that part of the evidence relating to their case might be laid before the House. The sense in which the Report was to be taken, in regard to certain of these parties, was somewhat doubtful. If it meant that they had instigated, or induced these other persons to abscond, their offence was much greater than that of the other parties, and it was necessary to deal with them more severely. But he should be unwilling to come to the determination to commit these parties to Newgate until the printed evidence should be in the hands of hon. Members. In all cases, it was much better that, before sentence was passed, they should be in complete possession of the evidence; and he could not see any inconvenience likely to arise from such a mode of proceeding. It was said, that if they dismissed these persons, they would again abscond; but, if a person banished himself from England, that punishment was not a light one. He could not look lightly on the circumstance, that these persons had surrendered themselves voluntarily, and he could not imagine they would expose themselves to a second order for their apprehension, for then they would be dealt with more severely. But then he heard hon. Gentlemen say, that if the Session were at a close, there would be no doubt that, at the conclusion of the Session, the parties would be set at liberty, before they had suffered what the House thought adequate to the offence. There were, however, instances on record, in which a second order had been made in a second Session. There could be no danger of any parties escaping from punishment. At all events, he hoped that the Gentlemen who had formed the Committee would know what was the offence which had been imputed to these parties—what extenuating circumstances there were which ought to have weight; and, when such extenuating circumstances existed, he hoped the House would give the individuals the full benefit of them.

Mr. *Patrick M. Stewart* said, that four out of these seven persons, respecting whom the Special Report had been made, were guilty of the charge of absconding, the other three with aiding and abetting them therein. With respect to Sparrow, it was admitted that he was not a mere partisan, but an active agent of the Members, and was perfectly aware of all the plans going forward. Mr. Cook, one of the solicitors, consulted Pilgrim on the subject of his flight, and Sparrow wrote to Mr. Clipperton, who acted as the solicitor to the late Members. At his house the evasion was arranged, and false names with corresponding initials substituted for the names of the parties, to each of whom 40*l*. was afterwards remitted abroad. With regard to O Malley, his offence was confined to his collusion with Pilgrim. But though his offence was limited in point of number, he did not consider it at all so in character. O'Malley, sitting at the proceedings of the Committee, held conference with the fugitive Pilgrim, with whom he drove in a hackney-coach to Uxbridge. These were the three cases of aiding and abetting, and although the charge in itself was not easily fixed or defined, if ever it was conclusive it was in the present instance. The only extenuating case appeared to be that of Mr. Clipperton. He acted merely in a professional capacity, and he ought not to be left to undergo the denouncement of that House, and the heavy consequences to which he was subject.

Mr. *Williams Wynn* asked, if there were not extenuating circumstances in favour of the other four individuals?

Mr. *Patrick M. Stewart* said, there were extenuating circumstances in favour of M. Dasent. He acted voluntarily throughout, and came before the Committee with all the appearance at least of doing so without compulsion, and readily gave his evidence. Neither did he receive or give money. All the other persons were sent off under feigned names—Pilgrim assuming that of Palmer.

Mr. *David Barclay* believed that in no instance was injustice more likely to be committed on individuals than when their case was heard at the Bar of that House. But on this occasion all the parties acknowledged their guilt. The case was one in which there was gross bribery and corruption, which he for one reprobated, and would punish to the utmost. He would therefore support the Motion of the Hon. Member for Derbyshire.

Mr. *Ireland Blackburne* said, that the hon. Member for Derbyshire had asked, whether there was any difference in the degree of guilt charged against the parties. He held there undoubtedly was, in favour of the four who confessed their error. The case against the other three he thought much stronger, particularly as respected Clipperton, at whose office the parties attended. But on what grounds the House could assume that Sparrow was equally culpable he was at a loss to conceive. He denied that Sparrow was agent to the Members. He acted gratuitously during the election; six weeks after which the parties absconded. Was there a tittle of evidence to show that

Sparrow, by advice or otherwise, abetted the flight of the parties? There was not. One material fact was elicited, that Pilgrim was introduced to Clipperton by a letter from a solicitor in Norwich, named Sanders, and that the result of the interview was Pilgrim's departure for abroad. He was prepared to vote for the Motion of the hon. Member for Derbyshire, but he was of opinion that under all the circumstances the House, before proceeding further, ought to be in possession of the evidence, in order to judge rightly of the case.

Mr. *Patrick M. Stewart* said, he was not astonished that there should be a misunderstanding as to Sparrow's evidence, for he never saw greater dexterity exhibited by any witness. They had evidence of Sparrow's agency, and of his being agent throughout the election, and they had likewise evidence that Pilgrim was referred by Sparrow to Clipperton.

The Motion was agreed to.

Mr. Gisborne then moved—"That John Bond, being guilty of the said Breach of Privilege, be committed to Newgate."

Sir *George Clerk* begged to call the attention of the House, and the hon. Member for Derbyshire, to the petition which he had presented from the party, detailing many circumstances which he hoped would be considered of an extenuating character.

Mr. *Gisborne* said, he had all through carefully avoided any allusion to the evidence taken before the Committee. He grounded his proceeding entirely on the Report presented to the House, and his object in moving that the parties be committed to Newgate, in preference to the custody of the Serjeant-at-Arms, was, that the former was less expensive. The extenuating circumstances, he thought, could be best explained and considered hereafter in Committee.

Sir *Robert Peel:* It is not my intention to offer any decided opposition to the Motion of the hon. Gentleman; but, at the same time I must repeat, that instead of adjudicating on the cases of these parties, and committing them to Newgate upon the Report of the Committee, and without affording them the opportunity of being heard, it would have been more satisfactory to me—first, to have read the evidence on which the charge is founded; and, secondly, to have given them an opportunity of saying a word in their defence. I do not think it satisfactory to hear the opinions merely of individual Members on this case—far from it; I do not hesitate to say, that if what has been asserted be substantiated—if these parties have aided and abetted in keeping witnesses out of the way—they have been guilty of a great offence. It is very difficult, I know, to take a part in this case which will not subject me, out-of-doors, to the imputation of desiring to screen the individuals implicated; but I know nothing of them, and under no circumstances shall such a consideration deter me from saying that the course we are now about to pursue is not quite consistent with the comprehensive principles of justice. The hon. Member for Derbyshire says—"Let the House print the petitions, and consider whether they make out a case of extenuation;" but I beg to ask how can we judge whether or not these petitions state any circumstances of extenuation, unless we read the evidence? Can I, on reading a petition, receive the mere *ipse dixit,* and judge whether it purify the petitioner from a charge, or not, unless the evidence also is beside me, so that I may refer to it and ascertain what the charge is? These seven persons, so far as I understand the case, are all involved in one common offence. I certainly think both the abetting and the absconding a breach of the privileges of the House; but when I come to apportion the punishment, and determine whether one shall be imprisoned for a fortnight, and another for a month, it is not satisfactory to me to adjudicate in the case without seeing what the circumstances are. I cannot understand how the hon. Gentleman can move, to-morrow, that any one of the parties be discharged on any allegation contained in his own petition, without our having the evidence before us. With respect to Dasent, so far as individual testimony is concerned, that of the hon. Member for Argyleshire appears to be strongly in his favour; but I protest against our receiving it. The hon. Member has certainly had better means of judging of the case, (the evidence having been given in the presence of the hon. Gentleman) than I can have; but I must repeat that it would be more satisfactory to me to read the evidence in the first instance, than to vote, now, that the parties be sent to Newgate, which imposes the obligation of confining them in Newgate till the evidence shall have been seen, or till it shall have been ascertained whether the evidence will justify the course taken.

Mr. *Walter Campbell* said, that the right hon. Gentleman seemed to forget that the

Report on which the proceedings were founded, was the Report of eleven independent Members of this House, acting on their oaths. Being independent Gentlemen, bound by their oaths to judge impartially, he trusted the Report would be considered worth something. The right hon. Gentleman declared that he would not take my testimony, or that of other hon. Members. It was true he was not on his oath at present, and he, therefore, could not claim for his statements any more consideration than the right hon. Baronet might like to give them, but he would nevertheless mention, that one and all of the Committee were of opinion, that Dasent deserved more lenity than any of the others. That Report the Committee gave on oath, as Gentlemen and Members of Parliament, deputed to pursue this inquiry. They had sat for forty-one days in the Committee, and I claim for that Report some weight, it being a Report made by us, as the judges appointed by you.

Sir *Robert Peel:* Certainly the hon. Gentleman must have completely mistaken the part I took—at least, he mistook my intention. I have so much deference for the Report, that I am ready—without the evidence—to admit that a breach of privilege has been committed; but if a Report, containing a charge against seven individuals, makes no discrimination and distinction between their cases—and the hon. Gentleman himself declares that some distinction is necessary—then, I say, that I wish to judge of the relative extent of their offences by a reference to the evidence, and not from the impression on the mind of each individual Gentleman of the Committee,—and for this reason, that it is possible that each of them may take a different view. Without, therefore, the slightest disrespect for the opinion of the hon. Member, I protest against being concluded by a construction put on the evidence by my hon. Friend, as I equally object to a construction being put on it by any other Member of the Committee—my wish is to see the evidence, when I am called on to award punishment.

Lord *John Russell* begged to be allowed to state in a few words the grounds on which he should give his vote. He thought the right hon. Gentleman was not precisely aware of the Question before the House, because they were not now apportioning the degree of punishment. It was not in the power of the House to say that one of the offenders should be sent to Newgate for a fortnight, and another for a month: it was only in the power of the House, on ascertaining that a breach of its privileges had been committed, to commit the parties to Newgate. Suppose the House so to commit them, then the question of extenuation would arise: the question as to how much punishment should be inflicted on the parties would be entertained hereafter, but was certainly not now before the House. The Question now before them was this—whether it was best to take the report of the Committee on this subject, or to refer to the evidence to form their own judgment upon it? The precedents were almost uniformly in favour of taking the Report of the Committee. But he would not rely solely on the ground of the precedents; if he thought them unreasonable he would be ready to vote against them, and in favour of a better course. He thought, however, that the course which the hon. Member for Derbyshire now proposed was preferable to any other. The Committee had attended most laboriously to the investigation of this subject, and after having taken their oath that they would form their opinion according to the best of their judgment on the evidence brought before them, had done so, and reported that opinion to the House. The power the House delegated to its Committees was often very great. They were the only tribunals that had the power of depriving Members of their seats in this House. When the House was told, not by the speeches of individual Members, but when it was told by a solemn Report from a Committee, that certain parties had absconded to avoid the service of a summons to attend the House, and that others had aided and abetted that absconding, he did think they had the best ground on which to proceed. Let them suppose a contrast to this case. In three or four days the whole of the evidence would be printed. Would any man say that the various Members of this House, when their numerous employments were considered, would be able to judge the evidence with as much discrimination, and with as much chance of justice being done, as belonged to those who had heard the evidence as it was delivered, and who had given to it their most deliberate consideration? He thought, then, that they would be acting both according to precedent and in conformity with reason, if they adopted the Motion of his hon. Friend. He should be ready to consider hereafter, any circumstances of mitigation that might be brought forward. The offences of the parties he must say, though great, would not be of so much importance as a wrong decision of the House.

Sir *William Follett* said, it appeared to him that they were called on to pronounce judgment before the case was heard. It being, however, the feeling of the House that they should do so, he would not oppose his opinion to it. But he would say, that the noble Lord had not answered the right hon. Baronet. The noble Lord said, that they were not then called on to pronounce judgment on the parties. He asked the House if that were the case, when were the parties to be sentenced?—[*No, No.*]—Suppose the evidence was to be examined, were the parties to be kept in prison until the evidence was printed, the printing of which might occupy a month? If so, and at the end of that time, the House, after inquiry, were of opinion that, as reported by the hon. Member for Argyleshire, one of those parties ought to receive only slight punishment, would not that be a hardship inflicted on the individual? Were they not likely to do that by the course they were taking? It appeared to him that the fairer course would be to examine the evidence in the first instance. The House might be satisfied the parties would not abscond a second time. Why, it was not probable that they would do so, for if ever they returned to this country they would be liable to all the consequences. Before the punishment was pronounced the evidence ought to be heard. There was one particular feature in the case which the House would bear in mind, that although the witnesses were known to have absconded during the sitting of the Committee, no report of that circumstance was made to the House by the Chairman of the Committee. There was also another point for consideration—O'Malley, Clipperton, and Sparrow were charged with abetting and aiding in the absconding of the other parties. Now he understood O'Malley's offence was committed after Pilgrim returned to this country. Such points were strong grounds of distinction, and rendered it imperative that they should be careful in the course they would take.

Mr. *Cutlar Fergusson* said, hon. Gentlemen laid great stress on the necessity that there was for the evidence, but they appeared to lose sight of the fact, that the offence with which the parties were charged was admitted by them. The right hon. Gentleman referred to the petition which had been presented by Mr. Dasent, in which he acknowledged that he had committed a breach of the privileges of the House; and he asked was that the man whom they were to discharge at once? It was their bounden duty to guard against the violation of their privileges; and in the exercise of that duty they were called upon to commit the individuals in question. He did not, therefore, see that there was any other course which they could pursue than that proposed by the hon. Member for Derbyshire. Indeed the House had voted, that a breach of privilege had been committed, and was the House not to punish that?

Mr. *O'Connell* was anxious that nothing should be done at the outset to mystify the case, or to prevent its being examined. It was one perfectly plain in point of law. The Committee had jurisdiction, under the Act of Parliament, to try the principal matter of election or no election, and they had necessarily a jurisdiction incidental to that, which should enable them to take care that the inquiry went on well for the purposes of justice, and which should apply, whether it were interrupted by force, or whether it were interrupted by fraud. The tribunal possessing this authority had tried the main facts, and had also, in deciding the collateral matter, given in a judgment on oath to the House, to the effect that there had been a fraud committed on the Committee and on their jurisdiction. The parties in question had, therefore, been actually found guilty of a contempt, and his legal education told him that the first step in that, as in every case of contempt of Court, was to put the culprits in custody, and then examine the new question which arose, as to the amount of punishment which ought to be awarded. The parties might then come forward and petition the House, either that they should be discharged, or be subjected to a light punishment. Was it one of the privileges of criminality in this country that a guilty man should be at once discharged? Those privileges were, he knew, large; but surely they did not extend quite so far. Let the House look to what had since taken place in the very borough to which these proceedings had reference, upon the subject of them itself. It appeared from the newspapers, that in Ipswich, the very town of which Mr. Sparrow was town-clerk—the only legal officer—a meeting had been held by certain parties to celebrate what they called the honourable victory, which they had obtained in opposition to the petition which had unseated the late Members. One gentleman spoke of their being compelled to fight the same battle over again, which they had before won fairly and honourably and straightforwardly; "but let us," he continued, "give them as grand a charge, as Wellington did at Waterloo—let us adopt the same honourable measures as we before followed." Right honourable measures, indeed! Let them but adopt the same judicious measures as before, and they think that surely they will be crowned with the same success. It was judicious to be sure, to send witnesses out of the way,—to commit bribery and corruption, covered and protected, as it must have been, by perjury; and it was judicious too, after a Committee had reported to the House that the election had been conducted with gross bribery, and that punishments should be awarded to the principal instigators, that one of those individuals should have the resolution—he would not say the audacity—to be present at the meeting to which he alluded, and to cheer at the "honourable and judicious" measures which they had pursued. These bribers actually dared the House—they challenged its power. Did they suspect that they they had any backing—any protectors there? The House would teach them that that was an unfounded supposition. It would be seen that, however hon. Members might differ on politics, there was no man among them who would stand up to justify bribery. Much had been said to distinguish the case of Mr. Dasent from the cases of the other parties implicated—that gentleman who did not bribe at the instigation of Mr. Kelly, but who bribed for the love of heaven—for the sake of charity. The high and hon. profession to which he belonged was a crime in him. Were those who composed that profession to bribe? was it part of the duty of a barrister to bribe? Some of the first men in the universe were members of the English bar, to which Mr. Dasent was attached. There were many such in that House; and instead of countenancing the proceedings of that individual the blush of shame ought to come on their cheeks that there should be found, such a man at the English bar. What was to become of the Society of Lincoln's-inn and the Benchers now? Would they inquire into the matter? Where would be the base calumniators that wrote in the legal reviews? Would they show how the English bar was not to be tainted, and with a man who volunteered bribery, and was guilty of a contempt of the House of Commons? No: justice was not to be in this instance defeated; bribery and corruption, such as were practised in the most rampant days of ancient Toryism, had been revived, and ought to be subjected to condign punishment. If the present matter were sifted to the bottom, they would have much more than the public had knowledge of; and he trusted that it would be so sifted, although some might find it quite convenient to mystify the case at the beginning and prevent its being fully examined. He called upon them, therefore, to do their duty to God and their country, on this subject, and to discountenance that bribery which men might possibly avail themselves of, but which none except, the men of Ipswich, could be found bold enough to call, "honourable and judicious."

Colonel *Perceval* said, that the hon. and learned Member for Dublin had pronounced a severe censure upon a member of the profession of the law in England; but it behoved him to look a little at home before he dealt around him such unqualified and unmeasured condemnation. A learned gentleman had recently been appointed in Ireland to a situation of great confidence and considerable power in that country; that appointment was made, if not at the direct instance and on the recommendation of the hon. and learned Gentleman opposite, at least with his full acquiescence and approval. Now, it did so happen that the learned person who thus, as it appeared, enjoyed the patronage of the hon. and learned Member for Dublin, had himself been guilty of the very offence which they had just heard so indignantly denounced from the other side of the House. The Gentleman to whom he alluded was Mr. Hudson, a member of the Irish bar; the situation to which he had been recently appointed made him one of the confidential advisers of the Government; and if the view taken of the conduct of the members of the English bar concerned in this matter were correct, nothing could be more obvious than that Mr. Hudson came completely within the scope of all the censure that had fallen from the lips of that very individual through whose countenance he was promoted to so confidential a situation in Ireland—for the warm eulogium very lately pronounced by the hon. and learned Member for Dublin upon all the Irish appointments must be full in the recollection of the House: according to his judgment, that learned person should be instantly removed from the select and limited society of the bar. The benchers, they were told, ought with the utmost haste to proceed to convict and condemn him, the gentlemen implicated in the Ipswich case, and he, should be pursued unrelentingly by the contempt of society at large. But he would beg to ask how the Government had treated a member of the same profession who had been convicted before a Committee of the House, of bribery? Why, they had appointed him to an office of great trust in Ireland. This, to be sure, was but following out their own principle, for they had made a baronet of one of the parties who lost his seat for bribery (Sir R. Harty), and the other was the present Attorney-General for Ireland. Considerable stress had been laid upon the circumstance of one of the persons concerned in the affair at Ipswich being a member of the bar; he was informed that the person in question was only a student preparing to go to the bar. [" *He is a barrister.*"] Well, he might be a barrister, but at least he was a very junior barrister; however, the question to which he desired more particularly to call the attention of the House was the conduct and character of Mr. Hudson, who now filled the office called the Attorney-General's devil. As far as his judgment went, that was an office of considerable importance, and one which no man should hold who did not in all respects deserve to enjoy the confidence of the Government with which he was connected. The House would judge whether a person convicted before a Committee of the offence of bribery deserved the censure just pronounced, and they would most probably consider that he deserved it equally, whether he was connected with the Liberal or with the Conservative party. [*Mr. O'Connell rose to " order" but sat down.*] He confessed he could not understand why such unqualified condemnation should be pronounced upon a man merely because he might be called one of the Tories. If the act were disgraceful in the one, it could not be less so in a person belonging to the other party. If the Tories were to be eternally disgraced by what had happened at Ipswich, was it to be endured that a person not less guilty should be recommended to discharge the duties appertaining to a situation of great trust in connection with the present Attorney-General for Ireland? He should now, with the permission of the House, state a few facts: he did not mean such statements as sometimes went by the name of facts, but meant that he was enabled to lay before the House one or two particulars which really were statements of fact, and did not hesitate to challenge contradiction. On the 23d of August, 1831, Mr. Robert Gordon (he might now mention his name, as it was matter of history), as chairman of the Dublin Election Committee, which unseated Messrs. Perrin and Harty for bribery, undue influence, &c., rose to bring forward the matter contained in the special report of the Committee before the House, and having detailed the nature of the evidence to the House, he proceeded thus:—" Having said so much of the scene of action, I come now to the actors, and we come first to inquire who were the givers and who were the receivers of the bribes.—The principal giver appears to have been Counsellor Hudson. He was assisted by a person named Hitchcock, an attorney. These were the principal purse-bearers. When these events became matter of history, for I trust we shall have no more bribery when the Reform Bill passes, no doubt the gentlemen whose names I have mentioned will bear a conspicuous part, as being the last agents in the great work of bribery at elections." The evidence distinctly showed that Hudson was the person through whom the grossest bribery was effected; and Mr. Gordon described it " as an exposure of as gross a system of bribery and corruption as ever disgraced those who misused the elective franchise. In my opinion (he says), the people of England would laugh us to scorn if we should let this opportunity pass without strongly stating our opinions of the proceedings of the Dublin election, and putting an end to that infamous system of bribery which is twice cursed, for it curseth him that gives, as well as him that takes. All must admit that moral as well as legal guilt attaches to bribery." The House was now in possession of the opinion entertained by the hon. Member for Cricklade, and of the Committee of which he was Chairman, of the conduct of Mr. Hudson, and surely they would agree with him, that that which was base and gross and scandalous in a Tory could not change its character when it came to be practised by one who fell within the designation of a Liberal. He would ask the House, did they think that such men ought to receive political appointments from any government? Was it not the fact that Mr. Hudson had received the appointment he had mentioned?—Perhaps, some time or other, the hon. and learned Member for Dublin would " let the cat out of the bag," and explain to the House the extent to which he had acquiesced in, if not sanctioned or dictated, the appointments in Ireland. He should beg the attention of the House to another authority upon this subject, that of Dr. Lushington, the present Member for the Tower Hamlets. On the 23d of August, 1831, the hon. and learned gentleman said, "the perjury and bribery at the Dublin election was certainly most disgraceful, but it is not the poor parties voting that ought to be prosecuted, for the paid agent is the party against whom the law ought to be let loose in all its severity. I consider that the person who offers a bribe assails the very foundation of the morals of the poorer voters, and is guilty of a trespass on all the laws of justice and honour. It is upon the tempter, and not the tempted that the House should wreak its vengeance." Earl Spencer, being then a Member of that House, said, "it appears from what has been said on all sides of the House, that there is a marked distinction with regard to the offences and the offenders, and it seems to be agreed that the corrupter is a much more guilty party than the poor receiver of the bribe." And Lord John Russell on the same occasion gave an opinion to which he could not help particularly calling the attention of the House:—"No man can doubt, that in either giving or receiving a bribe, he is committing an offence both against the Constitution and against morals." Those were the opinions of the noble Lord opposite, and they were opinions which he was not disposed to gainsay. Neither had he stood up for the purpose of differing from the sentiments expressed by the hon. and learned Member for Dublin. He concurred with that Gentleman in thinking that persons convicted of bribery were worthy of condemnation, and he therefore assented to much that had fallen from him; but had Ireland to expect when a man, with a character disgraced by that offence, was promoted to a confidential office—when an individual, convicted by the report of a Committee of that House, was an adviser of the Irish Government.

Mr. *O'Connell* said, that there never was a more unfair statement than that which the House had just heard from the hon. and gallant Member for Sligo.

Colonel *Perceval:* Does the hon. and learned Member for Dublin mean to say, that I have laid before the House a dishonest or dishonourable statement?

Mr. *O'Connell:* No, but that certain charges were made in a manner in which they ought not to be made, and which charges he would prove to have been unfounded. The hon. and gallant Member had imputed the offence of bribery to an hon. and learned Friend of his—the Attorney-General for Ireland. [" *No, no," from Colonel Perceval.*] Then let it be distinctly understood that no such charge was made. Did any man assert that Mr. Perrin's character was implicated in that transaction? Was there any Special Report in the case? [" *Yes.*"] He knew there was, and he desired to call the attention of the House to this fact, that the name of Mr. Hudson was never once mentioned in that Report. It happened that a Motion was made in that House to instruct the Attorney-General to prosecute the offenders at the election in question. Now, what was the fact with respect to his own conduct in that matter? He voted for that Motion; was it not, then, too bad to charge him with having sanctioned or countenanced bribery? As to Mr Hudson, he (Mr. O'Connell) owed him no obligation; on the contrary, Mr. Hudson had refused to be employed as counsel for him; but he felt bound to bear testimony in his favour. The Committee could not, of course, be acquainted with the character of Mr. Hudson; they acted upon the representation made to them, and a prosecution was accordingly instituted. Bills were sent up to the Grand Jury for the city of Dublin. The same witnesses were examined before the Grand Jury that were examined before the Committee. The witnesses who were unknown here were examined before the Grand Jury, who knew their characters well, and the result was, that the Grand Jury unanimously ignored the bill against Mr. Hudson; and there was no one who had the least knowledge of the character and political principles of the persons generally composing that Grand Jury, who would not readily give them credit for a disposition far from favourable to Mr. Hudson, and yet they ignored the bill. He recollected perfectly being in the hall of the Four Courts, near the Rolls Court, the day the bills against Mr. Hudson were ignored, and heard that gentleman congratulated upon the event. Now, he would appeal to every man of feeling in the House, at least to every man whose feelings were not blinded by party spirit, to say, would it not have been fair in the hon. and gallant Member opposite when he was stating one fact to have accompanied it with the statement of the other? He should be glad to know if the character of the persons concerned in the Ipswich Election would have stood such a test as that to which the character of Mr. Hudson was exposed? If Bills of Indictment had been preferred against them, did any one suppose that any Grand Jury, and least of all, that a Grand Jury politically adverse, would have thrown out the bills? If he had impeached Mr. Dasent upon no stronger grounds than those upon which the charge against Mr. Hudson rested, he was willing to be considered a base calumniator, and to allow that stigma to attach to his name out of the House. Let Mr. Dasent go before a Grand Jury—let that Grand Jury ignore the bill, and if after that, he (Mr. O'Connell) were found to impeach the character of that gentleman, let him be looked on as a base calumniator. He would solemnly declare that he hoped the hon. and gallant Gentleman was not cognizant that Mr. Hudson had been prosecuted, and that the bill against him had been ignored. As for the impromptu with which the hon. and gallant Gentleman had assailed him, he could only congratulate him on the skill with which it had been so leisurely concocted, and the happy miracle by which those extracts from the reported debates in Parliament had so opportunely slipped into his pockets—for, to him it did seem rather miraculous. He hoped, however, that before the hon. and gallant Gentleman brought such another accusation against a young man who was striving to raise himself in his profession, he would be cautious of taunting him with the guilt of that bribery of which he had been acquitted.

Colonel *Perceval* said, that, till this moment, he had not known that the bill in question had been sent before the Grand Jury; and he appealed to his hon. and learned Friend, the Member for Bandonbridge (Mr. Sergeant Jackson), whose practice had been extensive at the Irish bar, as to whether he had ever heard of the fact. He repeated, that he himself had never before heard of it. [*Cries of "Oh, oh."*]

Sir *Henry Hardinge* said, that when an hon. Member had asserted so solemnly as the gallant Colonel had asserted, that he never heard of a particular circumstance till the present time, it was not becoming for any one to appear to doubt his statement. He did consider that that course was so extremely ungentleman-like.

An *Hon. Member* said, that he never remembered an occasion on which the assertion of any hon. Member had been questioned in a manner in which that of the hon. and gallant Gentleman appeared to have been doubted. For his part, he begged to say, that he should, in a similar case regarding himself, instantly desire the person so expressing a doubt of his assertion, to step forward, and show who he was.

Colonel *Perceval* repeated his assertion and expressed his confident conviction, that every respectable Member of that House would give full credit to it.

Sir *John Wrottesley* said, that he had been one of those who had expressed some disapprobation when the hon. and gallant Gentleman made the assertion in question. He did so, not because he for one moment doubted the truth of what he stated, but because, being strongly impressed with the feelings of the moment, he gave vent to the great surprise which he felt, that the hon. and gallant Gentleman should have made a charge of the kind which he did bring forward, particularly against an individual whose prospects in life were so peculiarly liable to be injured by it, without having made those necessary inquiries, in the absence of which, he (Sir John Wrottesley) would put it to his candour, his honour, and his better judgment, whether he ought to implicate any individual.

Mr. *Hardy* wished to remind the House that the question before it had nothing to do with the Dublin Election and Mr. Hudson.

Mr. Sergeant *Jackson* said, that, as he had been appealed to by his hon. and gallant Friend, the Member for Sligo, he felt it a point of honour to state to the House, with respect to what had fallen from the hon. and learned Member for Dublin, that, though practising at the bar in Dublin, he had never heard of the fact of bills being preferred against Mr. Hudson, and ignored by the city of Dublin Grand Jury. But he took it for granted that it was so, as the hon. and learned Gentleman had stated it to be within his own knowledge. Of course, if it were not a fact, it would not be so stated by him. With respect to the question before the House, he (Mr. Sergeant Jackson) thought that the hon. and learned Member for Dublin had made as unfair and as ungenerous a speech in aggravation of punishment, to influence the feelings of the House against individuals, and especially against a member of his own honourable and learned profession, as had ever been made within its walls; for he confounded all the aggressors in one undistinguishable mass, and made not the slightest distinction between their several degrees of guilt. To effect that purpose the more completely, he introduced a speech from a newspaper, referring to something which was stated to have happened since the decision of the Committee, and the implication of the accused. Mr. O'Malley, then in custody of the Sergeant-at-Arms, was a member of the same profession as the hon. and learned Gentleman himself, at the English bar, and a native of the same country as he was. He (Mr. Sergeant Jackson) did not know Mr. O'Malley himself, but he knew his family to be highly respectable. That Gentleman had petitioned the House, stating in his petition, that he had not been engaged in the case until two days previous to its trial, and that he had had only one interview with Pilgrim. All this he offered to prove, and prayed to be allowed to put in bail for that purpose. He further stated, that he had acted solely under the direction of Messrs. Sewell and Blake, his employers.

Mr. *O'Connell* said, that noble Lord was in the House who was Secretary for Ireland at the time of the transaction in question, when the House had directed Hudson, and those persons mentioned in the Report, to be prosecuted, and he could probably confirm the statement which had been made.

Sir *Edward Knatchbull* had understood that the hon. and learned Gentleman had stated that, of his own knowledge, he knew the bills to have been presented and ignored.

Mr. *Shaw* said, that after the unqualified assertion of the hon. and learned Member for Dublin to the contrary, and wishing to speak with every delicacy and caution on a question of fact affecting the personal character of others; yet, in vindication of his hon. and gallant Friend (Colonel Perceval), he (Mr. Shaw) must state to the House his confident belief that no bill of indictment whatever had been sent up against Mr. Hudson. He (Mr. Shaw) had not had his recollection lately called to the facts or circumstances of the case, and he would not, therefore, speak with positive certainty; but he was, at the time, a party concerned, having, both before and after the decision of the Election Committee in question, sat for the city of Dublin. He did not think such a bill of indictment could have been preferred without his having heard of it; and to correct his own impression, and fearful of, in the slightest degree, overstating in such a case, he hoped there would be no indelicacy in his referring to the circumstance. He within the last few minutes had communicated with the Attorney-General for Ireland (Mr. Perrin) on the subject, and his (Mr. Perrin's) recollection concurred with his (Mr. Shaw's), that no bill of indictment had been sent up against Mr. Hudson. He believed the case had been simply this:—the Government of the time had not been very anxious to prosecute. The parties unseated on the ground of bribery having been their own friends, and the opposite party being satisfied with their success, did not press the matter further, and so it was let to drop. The important fact, however, in answer to the hon. and learned Gentleman was, that no such bill of indictment as he relied upon had ever been preferred against Mr. Hudson, and consequently never could have been ignored. What, then, became of the hon. Member's attack on the witnesses who, he said, had been disbelieved when they were known, and on his gallant Friend? the whole attack and speech of the hon. and learned Gentleman (Mr. O'Connell) having rested on the statement of that, as a fact, which he verily believed had never occurred.

Mr. *O'Connell:* Nothing could bear out more strongly the case which he stated to the House than the assertions just made by the hon. and learned Member. The hon. and learned Member admitted that certain persons were to have been prosecuted; he acknowledged that bills of indictment were preferred against some of the parties.—Then, whether a bill was or was not preferred against Mr. Hudson was a matter of no consequence. There was no doubt that the bills against the other parties were ignored; and Mr. Hudson, who was one of those referred to by the House, was surely entitled to the acquittal implied by the fact of those bills having been ignored by the Grand Jury. The effect, then, of the proceedings in Dublin was exactly the same, whether this statement of the hon. and learned Member or his account were taken into consideration, though he certainly was under the impression, from the fact of his being present when Mr. Hudson was congratulated upon the throwing out of the bills, that one of them had been preferred against that gentleman.

Mr. *Jackson* understood the hon. and learned Member to state as a distinct fact, that a bill of indictment had been sent up against Mr. Hudson.

Mr. *O'Connell:* And that is still my conviction.

Mr. *Jackson* resumed—And upon that fact he grounded one of the strongest personal allusions ever made in that House. Did not the hon. and learned Member state, with reference to Mr. Hudson, that the very same witnesses whose evidence succeeded in getting him implicated in the offence of bribery before the Committee, were examined before the Grand Jury, and failed to establish in the minds of the persons composing that tribunal any impression of the guilt of this gentleman.

Sir *Frederick Pollock* entirely agreed in the propriety of those expressions of strong reprobation of bribery and corruption which had been made use of so profusely that night. He doubted, however, whether they had not induced hon. Members to wander somewhat from the precise Question before the House. The Question before the House was, whether, having voted a certain offence a breach of privilege, they were prepared to order those who by a Report of the Committee had been found guilty of it, to be confined in Newgate. In examining this question, the hon. and learned Member had digressed to a Dublin case, in which proceeding he should not follow him further than to remark, that the facts which had been stated with respect to a gentleman in that case, showed how extremely cautious the House should be how they acted on the Report of a Committee, without all the evidence before them, and without allowing the parties affected by that evidence to be heard by Counsel. The case of the hon. and learned Member allowing it to be exactly true, proved this —that a Report was made by a Committee of that House, which was afterwards ascertained to be altogether unfounded. He should not however offer any opposition to the passing of this Resolution, but he thought that the House ought to have before it the proceedings before the Committee, and that, when it had got them, it should be cautious how it took measures, which not only infringed on the liberty of the subject, but also impugned the character of individuals.

An *hon. Member* said, that he had not seen the Ipswich paper to which the hon. and learned Member for Dublin had referred: but he had seen another Ipswich paper, in which the editor stated that one of the petitioners against the late return, and one of the candidates at the present election, had spoken of several of the most respectable inhabitants of Ipswich in language so calumnious that he had not dared to report it; and that candidate, be it recollected, was a lawyer.

The Resolution was agreed to.

Mr. *Gisborne* said, that he would move the same Resolutions one by one against each of the other parties, and he hoped that the discussion which had taken place upon Bond's case would preclude the necessity of a discussion upon the others. He then moved against Arthur Bott Cooke the same Resolutions which had just been carried against John Bond.

Mr. *George F. Young* perfectly concurred in the course which had been adopted by the House. The House, however, if it did not take care, would place itself in a situation of some hardship with respect to individuals. We have, said the hon. Member, not the evidence before us, and we cannot have it printed for three weeks or a month. If we determine to follow the course suggested by the hon. and learned Member for Dublin, and proceed to punish the parties according to their more or less guiltiness, we may perhaps find, after the parties had been in custody for that time, that we have inflicted in that imprisonment, a punishment more than commensurate with their offence. He threw out this suggestion in order that it might be referred to the Committee to select and print such parts of the evidence as bore on the case of each of these individuals. By so doing they should have something whereby to determine the *minimum* or *maximum* of punishment to be inflicted on each individual.

Mr. *Patrick M. Stewart* would just tell the House the situation in which it would be placed, if it listened to the suggestion of the hon. Member. The Committee, when asked to return an abstract of the evidence furnished by Arthur Bott Cooke would have to return an answer of *nil*, for his offence was absconding to avoid giving evidence. He had never appeared before the Committee, and the Committee had therefore never had an opportunity of examining him. He had now appeared and expressed his contrition. The same observation applied also to Bond and Clamp.

The Resolutions were then carried, as were similar Resolutions against Arthur Bott Cooke; Robert Beauchamp Clamp, and John Bury Dasent.

Mr. *Gisborne* said, that he now came to another class of offenders. He should, therefore, move that John Eddowes Sparrow having aided and abetted certain persons in keeping out of the way to avoid giving their evidence before the Select Committee appointed to try and determine the merits of the petition complaining of an undue election and return for the borough of Ipswich, was guilty of a breach of the privileges of the House of Commons.

Mr. *Williams Wynn* said, that he did not rise to object to this Motion; he rose to ask the hon. Member for Derbyshire whether what he had stated respecting the witness Bond applied also to the present witness? He asked, whether the evidence which applied to him could be laid before the House: because, if it could be laid before the House, without waiting for all the evidence, it would be desirable. This had been done before by Election Committees. He thought that it might be referred to the Ipswich Election Committee to read over the evidence taken before them, and to select and extract such portions of it as referred to the different parties whom it was now proposed to call before the House. It was only right that those who had to apportion the punishment should have before them the evidence that was necessary to inform them how they should apportion it.

The Resolution was agreed to, as was another Resolution, that the said John Eddowes Sparrow be committed to Newgate for the said breach of privilege.

Similar Resolutions were moved against F. O'Malley, Esq.

Mr. *Patrick M. Stewart* in reference to the remarks of the hon. Member for Montgomeryshire, (Mr. Williams Wynn,) observed, that it would require three weeks at least to print the whole mass of evidence, and that part of it which related to the scrutiny was perfectly uninteresting. If, however, the whole mass of evidence was to be printed, it might be as well to have that which related to the bribery printed first, and that which related to the scrutiny printed afterwards.

Mr. *Williams Wynn* said, that before they decided on prosecuting any parties for bribery, they must have all the evidence taken by the Committee before them. But that part of the evidence which related to the misconduct of the parties might be abstracted without much trouble to the Committee.

Mr. *Wilks* said, that it appeared to him to be inconsistent with the dignity of the House, after the House had commenced the consideration of a transaction of this nature, to refer it back again to any Committee. The Committee on the Ipswich election had finished its proceedings, and the House was commencing its part in them. All that the House could do was to accelerate the printing of the evidence, so that it might be submitted to the general perusal of Members and enable them to form their judgment upon it.

The Resolutions were agreed to.

Mr. *Gisborne:* I will now proceed to the case of John Pilgrim.

The *Speaker* said, it would be necessary first to ascertain whether he were in custody.

Shortly afterwards the messenger Mr. Gifford, appeared at the Bar, and was examined by the Speaker and several Members, but owing to the confusion in the House, and the low tone of voice in which the messenger spoke, we can only give the substance of the examination and that, too, without any great confidence in its accuracy. He said, that he had found Pilgrim in custody at Norwich; that he had brought up Pilgrim in his own custody, that the gaoler had not come up with them, but that he had insisted on a bond being signed before he allowed Pilgrim to leave the gaol with him (Gifford). He had heard from persons at Norwich that Pilgrim was in gaol on a charge of fraud, he believed of felony. He had not a copy of the warrant on which Pilgrim was in custody when he found him at Norwich. He had no other warrant but the Speaker's on which he took Pilgrim. The gaoler submitted on his showing him the Speaker's warrant. It was in the gaol of Norwich, where Pilgrim was in custody for a charge of felony, that he served on Pilgrim the Speaker's warrant. He understood that Pilgrim was in custody on a charge of embezzling the sum of 12*l.* The witness was ordered to withdraw.

Mr. Hume moved that John Pilgrim be called in.

Mr. *Williams Wynn* thought that the

House ought to make an order that the warrant committing John Pilgrim to his Majesty's gaol at Norwich be laid before it. In the mean while, till that order was obeyed, the House should make an order directing that John Pilgrim be committed to Newgate for safe custody.

Mr. *Patrick M. Stewart* said, that if there was any doubt respecting the custody in which Pilgrim then was, he had a petition to present from Pilgrim, which would remove all difficulties upon that head.

Petition presented and read as follows:

"That the petitioner begs leave most humbly and sincerely to express his regret at the offence he has committed against the rules and dignity of the House; that the petitioner having been clerk for upwards of thirty years in the office of Messrs. Sewell and Co. solicitors, Norwich, felt himself under their entire control, and begs to assure the House that it was by the direction of Mr. John Blake, one of the said firm, that the petitioner first went to Ipswich to assist in the late election; that after the said election the petitioner was, at the earnest entreaty, or rather direction of Mr. Thomas Moore Keith, another of the said firm, induced to leave Norwich to avoid service of the Speaker's warrant; that Messrs. Sewell and Co. previously supplied the petitioner with 20*l.* towards his expenses, and that shortly before the petitioner left Norwich, the said Thomas Moore Keith requested the petitioner to write him a note under the colour, and as a protection to him in case of necessity, asking for leave of absence, which the petitioner did; that during the petitioner's absence, to avoid such service, he believes expressions were casually dropped by him, tending to shew his anxiety of returning to his wife and family, and such expressions might obtain circulation; the petitioner can only in this manner account for the charges of embezzlement subsequently reported and afterwards made against him by Messrs. Sewell, Blake, Keith, and Blake, for the purpose of inducing the petitioner to remain absent; that the petitioner in the evening of Wednesday the 27th of May last, returned to Norwich; that the next morning about eleven o'clock he was served with a summons to appear and be examined before the Committee of the House then sitting upon the petitioner against the return of the Members of Parliament for Ipswich, and the petitioner was determined directly he received such summons to obey the same, and was about to leave Norwich for that purpose by the first coach, being the Newmarket mail, which started for London at five o'clock on the afternoon of that day, and as the petitioner was proceeding from his dwelling-house along the public street to the said coach, at a few minutes before five o'clock, he was taken into custody under warrant granted by Samuel Bignold and Edward Temple Booth, Esquires, two magistrates for Norwich, charging him with said embezzlement, and was committed to the custody of the high constable of Norwich, and taken directly before the said magistrates, when the petitioner pressed the said magistrates directly to enter upon the said charge, or take bail for his future appearance before them, to enable him to obey the said summons, but the said magistrates refused bail, and declined then to enter into the case, but appointed one o'clock the next day to enter upon the same; that the said magistrates did enter upon the said charges on the following day, Friday the 29th of May last, and heard the same in part, and resumed the same investigation on the day after, when all the evidence on the part of the prosecutors was concluded, and the petitioners' examinations taken, and the magistrates then adjourned their proceedings to the day following, being Sunday, when the petitioner was taken from Norwich to the said Committee, in pursuance of a warrant granted by the said Chairman, directed to the Norwich gaoler, to whose custody the petitioner was afterwards delivered; that the petitioner then, in order to atone to the House as much as lay in his power for the said offence, disclosed to the said Committee all the information in his possession relating to the matters upon which he was examined, and declined all privileges of communication which the petitioner was entitled to; that the petitioner returned to Norwich gaol last Thursday, and has been in custody until about half-past twelve of the night of Sunday, the 14th day of June, 1835, when the said magistrates admitted him to bail; that the petitioner has, therefore, been in custody ever since the 28th of May last, up to, and including the 14th of June instant, upon a charge which the petitioner can most satisfactorily prove has not the least foundation; he has been twice to the House in custody; he has a wife and three children depending upon him for support; and has lost his situation with Messrs. Sewell, Blake, Keith, and Blake, and has now to be tried criminally for an offence which has no foundation; all which difficulties and punishments have arisen from the petitioner's imprudence in obeying the wishes and directions of his employers, Messrs. Sewell, Blake, Keith, and Blake, first, in attending at the Ipswich election, and next, in leaving the country; that the petitioner prays, and hopes the House will not subject him to imprisonment, or to the payment of any fines or fees; the petitioner, therefore, humbly prays that the House will accept his assurances of contrition and regret for his offence, and dismiss him upon admonition.

Mr. Gisborne moved that John Pilgrim be committed to Newgate for safe custody.

Mr. *Williams Wynn*: No, not for safe custody, but for his offence. As Pilgrim s out on bail, he is free from his commitment by the Magistrates at Norwich. He therefore stands on the same footing with the other parties, and must therefore be committed to Newgate for his offence.

Mr. *Law* suggested a doubt whether the House, without the consent of the Crown, signified by his Majesty's Attorney-General, could transfer Pilgrim from his present custody to that of the keeper of Newgate. Pilgrim was now under a charge of felony, and had been admitted to bail upon that charge. He was therefore in custody of his bail. He had been delivered to their custody in order that he might render on a future day to the custody of the gaoler of Norwich, and it would therefore be a substantial change in his commitment to send him to Newgate. The object of the House would be answered by committing him to the custody from which he was taken—namely, that of the gaoler of Norwich.

The *Attorney-General* hoped that he should never be found backward in standing up for the rights of the Crown, and the prerogatives of his office; but he did not believe that there was any such right or any such prerogative as that for which his hon. and learned Friend was contending. When application was made some years ago to the Court of King's Bench to permit a person in its custody upon a criminal charge to give evidence before a Committee of the House of Commons, the Court directed the Attorney-General not to give his assent to such a Motion, but to show cause why such permission should not be granted. The Attorney-General might have shown upon affidavit that the party for whom this permission was craved was committed on grave charges, as on a charge of murder, for trial, and that the course of justice would be perverted by permitting him to go before the Committee. The Attorney-General might also have refused to show cause at all, and if he had so done, he (the Attorney-General) would contend that the Court of King's Bench, *proprio vigore*, would have granted the alleged criminal power to attend. He believed that this power belonged to the other courts as well as the Court of King's Bench, and more especially to the House of Commons. When the Motion was made in the King's Bench to bring up Pilgrim by writ of *Habeas Corpus*, he had looked into all the authorities, and he was inclined to think that the House by its own authority might have insisted on Pilgrim's attendance, although he was in the custody of the keeper of one of his Majesty's gaols. He thought his hon. and learned Friend the Recorder mistaken, and he meant to make no opposition to the Motion.

Mr. *Williams Wynn* had no doubt that the course proposed by the hon. Member was regular.

Mr. *Harvey* thought it would not be just to send Pilgrim to Norwich. He was a man that ought to be brought to the Bar. He believed they had not yet got all the parties. The hon. Member adverted to the particulars of the case as given in the evidence and petition of Pilgrim, and expressed his hope that Pilgrim would be protected. They had heard of the great respectability of the office of Messrs. Sewell and Blake, and he maintained that, admitting this, the fact of Pilgrim having been thirty years a clerk in their employment spoke highly in favour of his character. As it was not imperative that the House should send Pilgrim to Norwich, he contended that it would be better, under all the circumstances, that they should send him to Newgate.

Mr. *Hume* concurred with the hon. Member, and observed, that Pilgrim might be a very important witness respecting the conduct of the Magistrates.

Mr. *Pryme* suggested, that perhaps by confining Pilgrim in London they might be preventing him from making his defence against the criminal charge, in taking him away from his professional advisers and witnesses.

The Question was then put, and Pilgrim was ordered to be committed to Newgate.

CORPORATION REFORM.] The Order of the Day for the Second Reading of the Municipal Corporation Bill having, on the Motion of Lord John Russell, been read,

Lord John Russell moved that "the Bill be now read a Second Time."

Sir *Robert Inglis* said, he did not rise for the purpose of opposing the Second Reading of the Bill, but to protest against its generality. The Bill went by its provisions to affect all Corporations, and in his judgment, though the House possessed the power and the right to punish delinquency when proved, yet he could not think the House had any right to interfere in the destruction of corporate bodies which were unaffected by any charge.

In answer to a question put by Lord Stormont,

The *Attorney-General* said, that all Recorders now holding that office, who were Barristers of not less than five years' standing, might under the provisions of this Bill be re-appointed by the several councils to be elected by the rate-payers in those boroughs, but that where the office was not held by Barristers, or by Barristers of less than five years' standing, these individuals could not be re-appointed. When any vacancy in respect to the office of recorder should ensue, on all future occasions the appointment to those offices would be vested in the Crown.

Lord *Sandon* had not the least wish to oppose the Motion now under discussion, but he must remind the House that great care and caution ought to be used in providing that in all places which this measure went to affect, the administration of justice and the proper distribution of public charities vested in corporate bodies should not be too lightly interfered with. There was one provision of the Bill, as to the applicability of which to all corporations, no matter what might be the amount of their funds, he entertained great doubts. The provision to which he alluded was the triennial election. The Corporation of the town which he had the honour of representing had the superintendence and disposal of funds to the amount of 100,000*l.* a-year. They were applicable, in part, to extensive plans of improvement, which must naturally take a considerable time before they could be completed. He did not think the execution of business of this kind could be conducted so beneficially by a Corporation chosen so frequently as once in three years, as it would if they were suffered to continue longer in office. Men who succeeded each other so rapidly could not be so well acquainted with the business as persons of longer experience. Nor did he believe that such a fluctuating body offered equal security to the persons who had lent their money to the Corporation to the present permanent body. Besides this large fund of 100,000*l.* a-year, there was another peculiarity in the Corporation of Liverpool, which was, that it had a concurrent jurisdiction in other funds to the amount of 200,000*l.* more, in the disposal of which not only the town of Liverpool, but the country at large was deeply interested. Some of the plans to which he alluded would require five, perhaps more than five, years for their completion. Was it to be expected that they could be satisfactorily managed by a Corporation, the constituent parts of which were changed every three years. He did not intend, however, to enter into details at present, but he wished to mention this much in order to show that many points of the Bill would require very minute and scrupulous consideration. In acquiescing, on principle, to the great change contemplated by this measure, he begged to add that he by no means acceded to any admission of the justice of any charges as against the corporate body with which he was connected. That body, although self-elected, published year by year an account of its expenditure, &c., and he believed the investigation of twenty-four days' duration by the Corporation Commissioners had not discovered any error so bad as to call for any Legislative cure. It was impossible to suppose that a self-elected body could long continue to govern the various municipalities of the empire, however great and important the change which had taken place in the constitution of the Commons' House of Parliament. In conclusion, he begged to add, that he should avail himself of an opportunity of supporting the Motion, for the preservation of the rights of freemen and of those possessing inchoate rights to the freedom of any borough, of which the hon. Member for Yarmouth (Mr. Praed) had this evening given notice.

Lord *Stanley* was unwilling to interrupt the feeling which had been expressed on all sides of the House, a feeling in which he concurred, in favour of the second reading of the Bill, a Motion which he felt ought to pass, not only without opposition, but also without any discussion of the details of the measure. He was equally unwilling to allow the second reading to pass without expressing his dissent from the opinions expressed by the hon. Baronet, the Member for the University of Oxford. On the contrary, he was anxious to declare, that in his judgment, Parliament had the right, if circumstances required it, to introduce and carry into effect a measure like the present, with such modifications as might render it adapted to the times in which that Parliament existed. He would in the first place take the liberty of expressing his opinion of the absolute necessity at present of introducing a substantial measure of Corporation Reform, and he felt the highest gratification at finding that those individuals with whom he had so long the satisfaction to act had framed a Bill for this object, to the main principles of which he was ready to give his support. It was a main principle of this Bill to take from the self-elected Corporations the control of the corporate funds, and to vest them in the control of the inhabitants of the borough, with whom, in his judgment, that control ought to rest. He could not have supported the second reading of the Bill had he not been prepared also to accede to that which was in point of fact its chief feature—namely, the franchise which it proposed to give. His own feelings and prejudices would have been in favour of the 10*l.* franchise, but he admitted that there were strong arguments in favour of creating, in corporate elections, a constituency in some degree different from that which shared in the election of Members of Parliament. Moreover, for corporate purposes, powers might be intrusted in the hands of the rate-payers, which, under the restrictions imposed by the Bill, would not be unsafe, as applied to their local concerns. It was one of the most substantial complaints against the system of self-elected Corporations, that it introduced political feeling into all Questions, and tended to perpetuate in Corporations one set of political opinions, Whig or Tory, as the case might be, without reference to the opinions entertained by the town and neighbourhood with which they were connected. Now, therefore, that they were framing a new system, they ought to be particularly careful that it was not liable to the same objection. He was anxious, therefore, that the possibility should be avoided of considering the election of the corporate officers as a test of the relative strength of political parties. He could conceive nothing more injurious to the welfare and happiness of a town than that the election to every petty office should be made such a test, for not only would it engender local animosities, but would have the practical effect of making the members of the Corporation, when they were elected, just as much the Representatives of one set of political opinions as they were before. At the same time, if the Government persevered, as he thought it had good ground to do, in the proposition for extending the franchise to the rate-payers at large, he trusted it would not be less steady in maintaining the proposition for restricting the franchise to three years' continued residence, and three years' continuance of rate-paying; and also the proposition that the votes should be given openly. It might be said that the three years' restriction would have the effect of striking out some of those who had been admitted to the exercise of the franchise for political purposes under the operation of the Reform Act; but he (Lord Stanley) maintained that the circumstances between the election of Members of Parliament and municipal officers were widely different. When the local interests of a borough only were concerned, it would be seen that the amount of pecuniary interest, which was the ground for the establishment of the 10*l.* franchise, was not so much required as that the interest of the vote should be fixed and established within the limits of the borough over whose property the Corporation was to act as a trustee. Therefore it appeared to him that the permanency of occupation was infinitely more necessary as the test of local than it was with respect to the Parliamentary franchise, when each individual was supposed to vote not for the exclusive local interest of the town, but for the welfare of the kingdom at large. But there was another thing which they ought not to conceal from themselves; they must all know that of the 10*l.* voters the inferior class—the least respectable portion —were those who were most constantly changing their residence from one town to another; therefore, by adhering to the restriction of three years, they would not only obtain the advantage of a continued and permanent interest in the voters, but they would also secure that class of the population who had given a certain test of their respectability by continued residence and continued and punctual rate-paying. He would not at present say anything with respect to the open voting, except to call the attention of the noble Lord (Russell) to the provisions of the Bill by which that object was sought to be secured, and which, in its present shape, he thought was hardly sufficient to attain the end for which it was intended. [The *Attorney General:* The lists will be signed by the names of the voters.] Yes, the lists were to be signed by their names, but the list so signed would only be subject to the inspection of the mayors; unless something more than the handing in of a signed paper subject only to such an inspection were done the voting would not be open, but would, in point of fact, be perfectly close. But if they had all the same object in view with respect to the various details of the Bill, if the object of all was to accomplish a wholesome and sound reform of corporation abuses—he trusted that the Bill would be treated in Committee in the same manner and the same spirit as it had been received, and that all would frankly lend their aid to make the details of it as efficient as possible, not to secure or preserve any party or personal interest, but to make it work practically and essentially for the benefit of all. That was the temper in which he should go into the Committee, and he hoped and believed that the House would be actuated by a similar disposition. He did not wish to trouble the House by going into any details at that moment; but there was one point to which, as he conceived it to be an important one, and one upon which he felt compelled to take some objection, he begged in a very few words to advert. He meant the point which had been referred to by his noble Friend, the Member for Liverpool (Lord Sandon) opposite—namely, the very short period for which it was proposed to appoint the council in every corporate town. He (Lord Stanley) was desirous that the most entire control should be given to the Corporation and to the owners of the property over the persons whom they elected as their trustees; but he could not help saying, that, under the provisions of the Bill as it then stood, they might fall into the opposite evil from that which had distinguished the old corporation system, and by making the appointment of the council short, and subject to constant variations and changes, to deprive it of that stability which would be necessary to enable it to carry on the affairs devolved to its charge with benefit or advantage to those whom it represented. He confessed he did not see why, if an efficient and proper control were established over these officers, so extraordinary a jealousy should be manifested as that not only the whole should be elected every three years, but that one-third should go out every year. Only see in what a constant state of agitation and turmoil every corporate town would be kept if elections for these councillors were to take place every three years for the whole, every succeeding year for a part, and at any other time, whenever a vacancy by death or otherwise should occur. Under such a provision, it was most probable that six months would never pass over without an election, which would awake and keep constantly alive all those feelings which every one knew were as much engendered by local contests as by the most important political struggles. He confessed, therefore, he should very much prefer (he spoke his own opinion only, without concert with others) to see the council elected for a period of six years instead of three, and that the elections, instead of being annual, should be triennial, one-half going out every third year. He thought they might have a triennial election with half the Council going out, or a triennial election with one-third of the Council going out, but he confessed he should prefer the former of the two. He believed they would obtain by that means as complete a control over the Council as was requisite for any practicable purpose, whilst at the same time the towns would be relieved from these constantly recurring contests. There was one other point which he wished his noble Friend (Lord John Russell) to consider. It was this: whether he could not extend further the principle he had adopted in the case of some of the largest towns—the principle of dividing every town, or every considerable town, into wards—giving to each separate ward the separate and independent right of electing a certain number of the Council. If he had rightly read the Bill, he believed there were not above twenty towns in the kingdom in which that principle would be acted upon. All towns containing less than 25,000 inhabitants were to choose their Council by single election. He thought that would have the effect in large towns of enabling the bare majority of one political set of opinions to return the whole of the Council, leaving a large and probably most respectable and most intelligent minority wholly unrepresented in the Corporation. If it were their object to avoid the possibility of such a thing occurring, he wished his noble Friend to consider whether his object would not be more effectually obtained by dividing every considerable town into wards, giving to each ward the right of returning as Councillors those whose opinions should coincide with the views of the majority of its inhabitants. By this means the opinions of all would most probably obtain a fair and equal representation. Besides, another great advantage would result from it, in the case of a vacancy occurring, whether from death or otherwise, the whole town would not be disturbed, the election for the new Councillor would take place only in the ward where a Councillor had died—the excitement, if excitement there were, would be confined to that ward alone, and the rest of the town would be left comparatively quiet and free from commotion. He would not trouble the House by entering into any further details. He was satisfied that his noble Friend, and the Members of his Majesty's Government, would be prepared to receive and to discuss calmly and fairly such objections as might be taken in the progress of the Bill. On his part, he begged to assure them with the most entire sincerity, that he had nothing in view but an earnest desire to carry into effect that which in principle he believed to be a wise measure, and which in detail he believed to be a beneficial measure, which he rejoiced to see introduced, and for which he only desired a calm and temperate discussion, for the benefit, not of this party or of that, but for the advantage of the community at large, for whose benefit these Corporations were originally instituted.

Mr. *Ewart* approved of the Measure introduced by his Majesty's Government, but could not find in the history of our municipal constitutions any instance of a previous residence extended to so long a term as three years being required in the Bill now before the House. Much less could he find any precedent for the suggestion of the noble Lord, the Member for North Lancashire—that the Council should continue in office six years. His noble Friend, the Member for Liverpool, had stated that publicity of accounts was one of the characteristics of that town; but the accounts were never seen by the public, or were only obtained by contraband means through the favour of some one or two of the members. With regard to the administration of the revenues of the town, amounting to 100,000*l.* a-year, the Liberals and the Tories were both disposed to think they were not administered well. His noble Friend had expressed an apprehension lest the security of the bond-holders at Liverpool would be diminished by this Bill. He was at a meeting held in Liverpool on Friday last, where many thousand persons were assembled, and many bond-holders among the number, when so far from expressing any distrust, they stated that their confidence was increased, and that they were convinced they should derive additional security from the measure.

Mr. *Grote* took that opportunity of expressing the high sense which he entertained of the excellence of the principle on which the Bill rested; and he confessed it was a great satisfaction to him to perceive, from the general feeling which had been manifested by the House, that it was a task superfluous and unnecessary to prove that the self-electing corporation system was unfitted to the present times, and therefore ought to be swept away. He confessed he could not read the long report contained in the blue book which had been laid upon the Table of the House, without feeling a sense of shame and humiliation that so corrupt a system should have been allowed to remain so long pervading the whole country without any attempt being made to correct it. Whilst he approved entirely of the main principles upon which the Bill rested, and whilst he rejoiced to find that it was proposed to vest the entire control over the corporate property in the great body of the rate-payers, he was impelled to say a very few words in consequence of the remarks which had fallen from the noble Lord (Stanley) behind him. He should regret if the noble Lord, the Secretary for the Home Department should be induced to adopt, and to incorporate in his Bill any of the suggestions which had been made by the noble Lord (Stanley) the Member for South Lancashire. So far from agreeing with that noble Lord that three years' residence was absolutely necessary to secure a respectable constituency, he could not but think that such a provision was likely to interfere most essentially with one of the great objects which the noble Lord, the Home Secretary, had in view, namely, the giving the franchise to the great body of the rate-payers in every large town. He trusted, therefore, that if, in the course of the discussion in Committee it could be shown to the noble Lord that a number of respectable and unexceptionable rate-payers would lose their franchise in consequence of the introduction of such a provision into the Bill, he hoped the noble Lord would not object to cut down the qualification to one year's residence instead of three. The noble Lord (Stanley) seemed to be greatly afraid lest, under what were called the voting clauses of the Bill, they should glide insensibly into a system of secret voting. If that were really to be the case, he (Mr. Grote) should not regard it as one of the defects of the Bill; and greatly should he rejoice if he could induce the House to agree with him in so constructing that part of the Bill as to make the voting necessarily and invariably secret. There were one or two points upon which he thought the Bill might be materially improved without, in any respect, interfering with its principle or essential provisions. It appeared to him that the number of members provided for the municipal council was unnecessarily large. When he saw the number of ninety for Liverpool and seventy-two for Leeds, he confessed he thought it would lead to a lessening of the average of the talent and respectability for which the Members of the Council should be distinguished. He thought, therefore, it would in every case be a great improvement to reduce the number of Councillors proposed in the Bill by one half. He wholly approved of the step which would be made by this Bill towards the severance of judicial from municipal functions. That was a step which could not be too highly commended. There was, however, another point which he must take the liberty of pressing upon the attention of the noble Lord (Russell). It appeared to him that whilst the noble Lord provided for the election of charitable trustees, he made no provision for their proper behaviour after they had been elected. According to the Bill as it then stood, the trustees for charitable purposes were irresponsible and irremoveable. He would also impress upon the noble Lord the necessity of providing some means whereby a recorder, if he did not give satisfaction, should be removed from his office. He was sure it must strike the noble Lord that if a recorder failed to give satisfaction in the community in which he was called upon to administer justice, he ought to be removed, and placed elsewhere. At present no provision seemed to be made for the removal of a recorder, under any circumstances; and he could not but look upon that as a considerable defect in the Bill. He confessed he saw no mischief that could arise from making a recorder removable upon a petition signed either by a majority of the council or a majority of the rate-payers. He had no wish to detain the House at greater length. In the principle of the Bill he wholly agreed, believing, as he did, that it would work great and material improvement in all the corporate bodies in the kingdom. He conceived it would be a most fatal blow to the integrity and well-working of the Bill, if the proposition of the hon. Member for Yarmouth were acceded to, and the franchise of the freemen preserved. On that point he trusted the Government would be found impregnable.

Mr. *Wallace* approved of the principle of the Bill, and in opposition to the view taken by the noble Lord (Stanley), thought it would be better that the members of the council should in every instance be elected by the whole town, and not separately in different wards. He was also strongly opposed to the same noble Lord's proposition that the council should be elected for six years.

Mr. *Ireland Blackburne* felt bound in duty to his constituents not to allow this opportunity to pass by without expressing his opinion in favour of the principle of the Bill. Having read a great deal of the evidence given before the Commissioners, and having, for the last two years devoted a great deal of attention to the subject, he was decidedly of opinion, that the system of self-election in Corporations ought to be removed—that Corporations should be well governed—that corporate property should be well administered, and that those persons who had the deepest interest in the municipal government should, at least, have a voice in the choice of those who were to govern them. The only mode by which this system of self-election could be removed, was to give the inhabitants at large (under certain restrictions, he admitted), the right of choosing the persons who were to administer their funds, and to rule over their borough. He asked the question, who ought to be the persons so to choose their municipal representatives? —the persons who paid their proportion of the fund to be administered by those who represented them. If there were nothing else but the mere administration of the corporate funds, upon principle it would be absolutely necessary that every person who contributed a part of them should have a voice in the election of municipal officers. But inasmuch as there were other duties to perform, it became necessary that some other qualification should be imposed upon the electors beyond the mere paying the rate. It was necessary that they should be permanent householders, having a permanent interest in the borough. He thought, however, that to establish that permanent interest, it was not necessary that a person should be three years resident in any particular borough before he acquired the right of voting. He thought that one year's residence, and one year's rate-paying would be amply sufficient. In all the rest of the details of the Bill, as well as in the principle he cordially concurred.

Sir *Robert Peel.*—The same motives

which induced me to listen favourably to the introduction of this Bill, will lead me to give my assent to its second reading. We are told of party interest opposing obstacles in the way of the measure; but the great party with which I have the honour to be connected, feels, I have no doubt, the greatest interest in the establishment of a system of good municipal government in the large towns and cities of this kingdom —an interest far superior to that of mere party, or a desire to thwart the proceedings of the Government—assuming the object of this Bill to be, the establishment of a good system of municipal government, and the correction, as far as human caution can provide, of all abuses attendant upon the exercise of corporate privileges. Our interest being concurrent with the maintenance of order, of laws, and of the established rights of property, will induce us to support whatever may be proved to be conducive to such objects. We are not inclined to oppose any private or special interest against that which may be necessary for the public good. Upon the same principle upon which the heritable jurisdictions of Scotland were abolished, and other reforms in the public policy have been made —upon that same principle, if, in any case corporate privileges are found to be an obstacle either to the pure administration of justice, or to the establishment of a good system of police and general government, we are willing to admit, that regard for the special privileges ought not to bar the consideration of whatever may conduce to the authority of the law, and to the maintenance of public order. We, therefore, shall offer no opposition to the second reading of this Bill. Sir, I cannot contemplate the condition of some of the great towns of this country, and witness the frequent necessity of calling in the military in order to maintain tranquillity, without feeling desirous that the inhabitants of such towns should be habituated to obedience and order through the instrumentality of an efficient civil power, and a regular and systematic enforcement of the law. I believe that you could not establish a system of good government in the populous towns and cities of this country, retaining at the same time every existing privilege and practice of the corporate bodies as at present constituted; and I think it much better to place those towns under the exclusive control of a corporate authority, invigorated and adapted to their present state of society, than to leave the ancient Corporation precisely where we find it—devolving at the same time all real power, and almost all the functions of administrative authority upon some new body constituted on a different and more popular principal. This would be a virtual supercession of the ancient Corporation—a virtual extinction of the power for the exercise of which it was originally intended; and its permitted co-existence with another body really exercising the authority of municipal government, would be of no possible advantage either private or public. On the details of this Bill, I, of course, reserve to myself the right of voting in such a manner as, after mature deliberation, shall appear to me to be the best calculated to effect that object which the Bill professes to have in view. If I shall deem it necessary to propose any important Amendment in such of the provisions of the Bill as involve its general principle, I shall give notice of the nature of such Amendment; and I think it would be a great convenience if hon. Gentlemen were to do the same. Sir, I apprehend the three most important details connected with the Bill are, the qualification of the constituent body, the qualification of the governing body, and the frequency of their election. With respect to the qualification of the constituent body, having given due consideration to that subject since this measure was brought forward by the noble Lord (Lord John Russell), my present impression is, that it will be advantageous to establish a qualification different from that which is required for the constituent body under the Reform Act. The hon. Gentleman who spoke last, and relied on his experience in respect to Scotch burghs, omitted to state, that the qualification for an elector in the burghs of Scotland is identical with that of an elector of a Member of Parliament. In each case in Scotland, the 10*l.* householder is the elector. As to the policy of following that precedent, and taking the same qualification in each case in this country, I feel the full force of the objection urged by the noble Lord (Lord Stanley), that we run the risk of creating a corporate body influenced by all those political feelings and interests which sway that body in its other capacity of returning Members to serve in Parliament; and that every vacancy in the office of councillor, whether arising by death, by absence, or by the triennial retirement of a third of the council, would become a trial of political strength, having a great tendency to paralyze the exertions of the local Magistracy, by giving them the character of political partizans—by throwing upon their magisterial acts the character, or at least, the imputation of partiality. There may, therefore, be an advantage in the establishment of a separate qualification for the elective body; and in that case the only question will be, what is the proper qualification? The suggestion of a three years' continuous residence and payment of rates is a point which appears to me to require mature consideration. I am inclined to think it not a bad qualification, provided it be a *bonâ fide* one, and that effectual precautions be taken against the abuse of it—against the creation of a fictitious franchise. Three years' residence is a fair *primâ facie* test of good character; and three years' payment of rate—that is, a continuous payment of rate—by the occupier himself, is such a test of property and interest in good municipal government, as qualifies a man for the exercise of this franchise. At the same time it will be absolutely necessary to guard against many possible cases, in which there may be an usurpation of this franchise, and an evasion of the intention of the law. In many towns there are pauper residents, who, without having any parochial settlement in them, would, without such precautions, be entitled to vote for the council; they are paupers belonging to other parishes, who live under the constant threat of the overseers, that if they do not pay their rates regularly, they will be removed; and in many cases, the parishes to which they belong are the payers of the rates. Now, I apprehend that such persons as these are much less interested in the well-being of the town in which they reside, than persons possessing the elective franchise ought to be. They may have been residents for three years, and the rates due from them may have been paid; yet if they are, in point of fact, paupers belonging to another parish, they surely ought not to have a voice in the government of the town in which they are casual residents. I trust, therefore, that an effectual provision will be made, by which the qualification established in this Bill shall be *bonâ fide* adhered to. I do not agree with those hon. Gentlemen who maintain, that every man who contributes to the rates, ought to have a vote in the government of a borough. You did not act on that principle in the Reform Bill—you did not, in that Bill, enact, that every man who contributes to the public exigencies shall vote for Members of Parliament. The main point to be considered is—not the abstract theoretical right of each particular man, but what is the class of electors which will be likely to choose, permanently, the best governing body?—and you have a perfect right to act upon the same principle in the government of a town, as of a kingdom. If you believe that three years' payment of rates, and three years' residency, are the best qualification, and will secure a sufficient control over the acts of the governing body, it is a much more material object to establish that qualification, than to act upon the mere theory, that every man who contributes to the rates, has a right to the franchise. With respect to the frequency of elections, I am inclined to think there is much reason in the proposition of the noble Lord, (Lord Stanley). I think we should study to give more permanency to the governing body, and to avoid the perpetual recurrence of those conflicts which poison the harmony of society. There are other advantages in life, besides the elective franchise and popular elections; and, if you sacrifice the concord and peace of these great societies for which you are now providing a system of government, to speculative improvements in the mode of that government, you will defeat your own ends, by discouraging the truly qualified and respectable inhabitants from voting on municipal affairs, and will provide little security against the abuse of power. With respect to the qualification of the members of the governing body, I believe the prevalent opinion in the country to be, that there ought to be some qualification—an opinion which has been acted upon by one of high authority on this subject (Lord Brougham). In the Bill which he introduced for the government of certain towns, at present incorporate, he established a 10*l.* qualification for the electors, and a qualification of 1,000*l.*, of real and personal property, for each member of the governing body. Considering in all cases, that, by this Bill, the Mayor is to be a county Magistrate, *virtute officii*, to take his seat as a Magistrate, with those from whom a qualification is now required, there ought surely to be some test of his respectability in point of station in life, and competency. In most of the Local Acts which have been established with the concurrence of the inhabitants of the towns to which they refer, there has been a qualification required in persons who are to be trusted with authority. I dare say the noble Lord has looked into the Act for the government of Stroud, the town he represents. I am not very well versed in the history of that Local Act; but I have no reason to doubt that it was passed with the general concurrence of the respectable and intelligent inhabitants of the town. In that Act, a high qualification is required on the part of the persons who have to perform functions analogous to those which are intrusted to the governing body of a borough under this Bill. The points to which I have thus referred are those, I apprehend, which involve the chief considerations connected with this measure, that are of a political character. There are several other details of the Bill which are of great importance, and which require the most serious consideration. They are matters in which all persons who hear me have a common interest, and in respect to which they need not have, necessarily, on account of different party connexions, different views. If I now allude to them, it will be with a view rather to promote than to defeat the professed object of the Bill. It may be thought that it would be better to reserve the discussion of them for the Committee; but there are advantages in taking a general view of the details of a measure of this nature,—thus permitting the mature consideration of any suggestions that may be offered. One of the points to which I will call the attention of the noble Lord is the great power which is given to the Mayor, under this Act. The Mayor is to be the returning-officer of the borough; that is, he is to be an officer of a political character, having political functions to perform, and the power you intrust to him of singly deciding upon the validity of the votes tendered in municipal elections is extremely great. He is to receive the lists of votes, to examine that list, to revise it, and to proclaim the result. Here is no doubt a great opportunity of abusing power, without any efficient check or control over it. Then, as to the council, the more precaution you take in defining its powers, the more you can separate municipal from mere political objects, the better. So far am I from wishing to see one party gain any undue influence by the measure, that I think the test of its perfection will be the separating of interests which are political, from those which are strictly municipal, but you constitute the Mayor the returning-officer, and give him an almost irresponsible power—you give him the power to hold a Court at which objections are to be made to the votes—he is charged with determining which party have the majority; you ought to establish such a check upon him, that there may be no abuse, and that you may even prevent any suspicion from attaching itself to the integrity and impartiality of the chief officer. What possible objection can there be to provide that scrutineers shall be appointed? It is clear that there ought to be some check of the kind, and that the decision upon matters of this nature ought not to rest upon the simple declaration of any one man, who, after receiving the lists, and examining them, and declaring the result, may, if he so think fit, afterwards destroy them, and preclude the possibility of detection, in cases, even, of wilful error. The Bill makes no provision for the application of any surplus there may be of corporate property. Now, there are many boroughs which are extremely wealthy; and, after providing for the public purposes named in the Bill, it is clear that there may be, in some instances, a considerable surplus. My noble Friend, the Member for Liverpool, states, that in that town there is one of 35,000*l.* The Bill provides, that the new corporate body shall have all the powers which the existing body has; and, as those powers over the property of the corporation are very considerable, there ought to be some provision controlling the appropriation of any surplus that may remain after providing for the special objects named in the Bill. It ought to be known, that in many boroughs, considerable expense is about to be incurred. The Bill provides, that, after the termination of existing interests, there shall be no application of corporate property to individual uses, but the existing individual interests are to be protected; and thus, even in the cases wherein there are no corporate estates, some time will elapse before there will be a fund sufficient to provide for municipal purposes. In these cases, the new governing body will have to levy a new rate, and that rate will be the only source from which the municipal charges can be defrayed in the case of those towns which are now incorporate. This rate—its connexion with the Poor-rate—the mode of levying it—the appeal against it, are all matters of deep interest to the societies to which this Bill applies, and require much more mature consideration, than I fear they are likely to receive at this period of the Session. The provision of this Bill, with respect to County-rates are very important. Many districts will be hereafter exempt from direct contribution to the County-rates. In all those for instance, which are to have a separate Quarter-Sessions, the County-rate will have to be levied upon a new principle. A calculation is to be made of the expenses of the prosecutions arising from those boroughs, and the treasurer of the county is to certify to each borough, what portion of the County-rate it ought to pay, and to demand payment accordingly. I am afraid the borough will not consider the Treasurer of the County, a very impartial Judge upon that head. Then there is another enactment of a similar nature, and of equal importance in Clause 97, relating to the more general expenses of the county, such as building bridges and public buildings. Here, too, the treasurer of the county is to make a calculation as to the portion of the County-rate which should fall upon the district included within a borough; and in case any difference shall arise, it shall be lawful for either party to appeal to the Privy Council, who shall thereupon make such order as to them shall seem expedient, and such order shall be binding upon all parties. Now, I am afraid the Privy Council will not be well qualified to decide in these cases. There is no apparent principle to guide them in their determination. In the case of the expenses of prosecutions, there is a principle, because the expenses can be regulated and defined; but in the case of the general expenses of the county, the degree of benefit derived by a particular district is very indefinite. There will frequently be an appeal to the Privy Council against the demand of the County Treasurer which appeal will, I fear, be attended with considerable expense. It will, therefore, be for those who are intrusted with the administration of the County-rates, to watch this part of the Bill with great attention. In the case of some boroughs, the new corporate district may not be conterminous with the parishes of which it is partly composed. In these cases, how will the County-rate operate?—part of a parish will be within the county, and part within the borough. Is the part within the county to contribute to the County-rate upon the old, and that within the borough upon the new, principle? These are minor considerations, as affecting the principle of the measure, but they are important, with the view of preventing, as far as possible, litigation and expense. I come now to a more important point. The noble Lord provides, that twenty of the larger boroughs are to be divided into wards—these wards are to be determined by the Privy Council upon the Report of certain Commissioners. Surely Parliament ought to have some control over this. I agree with the noble Lord (Stanley), that it would be an immense advantage, and might be the means of ensuring a much fairer representation of property, if the principle of division into wards were extended far beyond the limits proposed in the Bill—and I reserve to myself the power of moving an Amendment to that effect—but I take the Bill as it now stands: it provides, that twenty towns shall be divided into wards, and that the Privy Council shall not only have the power of determining how many wards there shall be, but also the number of Representatives each ward is to return. Now, that I hold to be a power too important to be exercised by any authority short of that of Parliament. In a town like Liverpool, as it will be possible for the Privy Council to assign twenty Representatives to one ward, and two to another, they may constitute the Council either a democratic or aristocratic body, at their mere will. This is a power the Crown ought not to exercise without the control of Parliament; it is a power which was denied to the Crown in the Reform Bill, even in the case of the mere territorial boundaries of boroughs, and was expressly, after discussion, reserved to Parliament. This Bill provides, that twenty large towns, named in the Bill, may be divided into wards, but no obligation is imposed upon the Crown as to the period at which its discretionary authority is to be exercised. The Crown is not bound to make the division before the first election for the Council; and if it do not, the elections will be made, as in the case of other towns, by the voters indiscriminately. In this respect, there ought to be some alteration in the Bill. It should be reserved to Parliament to determine in what cases the division into wards shall take place—what shall be the number of wards—what the number of councillors to be alloted to each ward. An indefinite power is given to the Council with regard to the amount of the new Borough-rate. No *maximum* is established; and while a power is given to the Council—or rather, an obligation is imposed to separate the charge of watching from that of lighting, nothing is defined (even in cases wherein a *maximum* on the whole rate now exists) in respect to the amount of the separate charges. When these points shall come to be looked at practically by the different societies to which this Bill applies, they will be found to affect their interests in a very material degree. The Bill, in fact, attempts to include in one Act, one hundred private Bills,—to apply uniformly the same provisions to towns very differently circumstanced; and I am satisfied that unless there be the fullest opportunity of considering very maturely the details of the measure, the result will be disappointment and failure. Then, with respect to the operation of the Bill in individual instances, there are cases in which it will confer no benefit. In the town with which I am connected, the corporate body is a self-elected one; but that body has elected its members without reference to any political feeling; it has selected its members from among parties opposed to each other in political sentiment; the people are content, and there is neither abuse nor any allegation of it. In such a case as this, I should see the application of this Bill with considerable regret, for I fear it would have a tendency to introduce party feelings into the constitution of the Corporation, and considerably diminish the satisfaction which is now felt. Therefore I think it will be a matter of consideration for the noble Lord, whether, in all cases where the communities at large are satisfied with the existing Corporations, it will not be advisable to let them remain as they are. Sir, I have now given my opinions upon this subject, the details of which will, as I have observed, require much consideration in the Committee; and the little disposition which has been shown to oppose the general principle of the Bill, ought to make the noble Lord doubly anxious to give all parties concerned the opportunity of considering and canvassing a measure which so intimately affects their interests, and the peace and good order of the societies to which they belong.

Mr. *Brotherton* had had some experience in the framing and working of two local Bills, similar in principle to the one now under discussion; and he agreed with what had fallen from the noble Lord, the Member for North Lancashire, as to the division of boroughs into wards, but he differed from that noble Lord as to the election of councilmen for six years. If either property or population were taken as the basis, the representation might be unequal; it was, therefore, necessary that these two elements should be combined to give the proper proportion. Suppose that a ward, according to the number of Rate-payers, should return twenty councilmen, but according to the value of the property assessed only ten, the medium number would be fifteen. It was of great importance that elections should be conducted in a peaceable manner, and the dividing of populous boroughs into wards would contribute much to that end. In the curtailment of the number of councilmen, as suggested by the hon. Member for the city of London, he did not concur. It was necessary to divide the Councilmen into Committees; and as in large towns there was a good deal of business to be transacted, he, therefore, thought it necessary that the number should not be very limited. The vesting of charitable funds in the Corporation would be a great saving of expense, which was of some importance when the charities are of small amount. With regard to the qualification of Councilmen, in Local Bills, that was required. Perhaps, as respected the Mayor, a property qualification might be desirable. He thought the measure would give satisfaction to the country, and it should have his cordial support.

Mr. *Jervis* rose, not for the purpose of answering the objections of the right hon. Baronet who had just sat down, but he apprehended that the principle on which Corporations were formed was for the mutual convenience of the inhabitants of the towns; and he considered that one year's occupation and rating was for all purposes sufficient to entitle an inhabitant to enjoy the privilege of voting in the election of the corporate body. The right hon. Baronet had said, that he considered the annual going out of one-third of the town council would be inexpedient; but then that right hon. Baronet must have forgotten that two-thirds always remained in office to instruct those newly elected. Besides, as was the case with the guardians of the poor, if they behaved well when in office they were generally pretty sure of re-election. As regarded the qualification, he considered that the persons who would be elected would be of such character and station in life as to render any qualification unnecessary. Because a noble and learned Lord (Brougham) had chosen to introduce a Bill into the other House with qualifications, he apprehended that that House was not bound to adopt the same principle. To enlarge the division of great towns into wards he considered beneficial, and he should advise that a revising barrister should go to each town, and examine into the list of voters, to prevent any undue influence of the Mayor, who was to be the returning officer under this Bill. It was not necessary for him to observe any further on the principle of this Bill, with which he most cordially agreed; but he hoped that its progress might not be delayed beyond that time which was absolutely necessary for a measure of so much importance.

Lord *John Russell* was happy to find that there prevailed so general a concurrence in the House with respect to the principle of the Bill, not only because that circumstance was an augury of the success of the measure, but also because it would make the perfection of the details a matter of more easy attainment. He was much gratified at hearing his noble Friend (Lord Stanley) express his approbation of the principle of the Bill; but this was nothing more than he expected; for, having been engaged with his noble Friend in forwarding through Parliament the measure for the reform of the representation, he felt convinced that the noble Lord would not withhold his support from a Bill having for its object the reform of the Municipal Corporations. The observations, too, which had fallen from the right hon. Baronet opposite, were, in his opinion, extremely fair and candid. The right hon. Gentleman admitted that the time had come when it was necessary to deal with Municipal Corporations, and he also declared his opinion to be, that it was expedient to deal with them on enlarged general principles. The right hon. Gentleman had directed the attention of the House to the three main Questions, the franchise of the constituent body, tbe frequency of the elections, and the absence of all qualification. With respect to the franchise of the constituent body, the observations which had fallen both from the right hon. Gentleman and the noble Lord (Lord Stanley) tended to confirm him in the opinion he had before expressed on this subject. He believed that that species of franchise had been selected which was likely to give content in the incorporated towns, and to produce good municipal government. He was not, therefore, disposed to make any alteration on this head in the Bill. It had been suggested by one hon. Gentleman at the head of the Commission, that it would be expedient to make the period of residence requisite to constitute a right to vote shorter than the term proposed, but though in former times the residence of one year might have been considered a sufficient test of permanent residence in a town; yet, in the present day, so great a fluctuation took place in the population of different places, and so many persons lived in them, and paid the rates only for a short period, that in endeavouring to discover who were the permanent inhabitants of a town, and able to pay the rates, it became necessary to judge by a residence of a longer term than one year. With respect to the frequency of the elections, he considered the Bill as it stood at present preferable to the alterations which had been suggested. He believed that it would tend to the satisfaction of the inhabitants of the different towns, and give them a due control over the governing bodies of the boroughs, that they should have the power at intervals — and of not long intervals — of re-electing those persons whose conduct they approved of, and of changing those with whose conduct they were not pleased. He really believed that frequency of elections would lead to less change in the elected body than would be the case if the elections were made for a longer period. The right hon. Baronet opposite seemed disposed to propose some qualification. He would of course pay the greatest attention to any suggestion which the right hon. Baronet might make; but after giving the best consideration to the subject, he had not been able to find that any peculiar benefit would be obtained by requiring a qualification. In some places, in consequence of the taking a high rating and qualification, a man whose only recommendation was that he lived in showy premises would be elected, while another person, perhaps more wealthy, and more fit to conduct the general affairs of his town, would, in consequence of living in a smaller house, and paying a smaller rating, be excluded from the choice of the inhabitants. Still he should be happy, he repeated, to listen to any proposition on this subject which the right hon. Baronet might make in Committee. With respect to the other points touched upon—the power of the Mayor in elections, the division of the larger boroughs into wards, and the clauses respecting County-rates—these were matters which would be considered in Committee, and which he did not think it necessary to notice at the present moment. In conclusion, the noble Lord stated, that he should move that the Bill be committed on Monday next, and that the House should continue to sit in Committee on the Bill from day to day until the consideration of its details should be completed. He proposed this course, because he was anxious that no unnecessary delay should impede the progress of a measure which he believed to be of great importance to the future welfare of the country.

The Bill was read a second time.

HOUSE OF LORDS,

Tuesday, June 16, 1835.

Minutes.] Bills. Read a second time:—Letters Patent Amendment.—Read a third time:—Consolidated Fund.

Petitions presented. By the Earl of Roden, from Antrim, for Protection to the Irish Protestant Church.—By the Marquess of Bute and the Earl of Kinnoul, from several Places, for further Accommodation in Scotch Churches.

HOUSE OF LORDS,

Wednesday, June 17, 1835.

Minutes.] Bills. The Royal Assent was given by Commission to the Consolidated Fund; and a Number of Private Bills.

HOUSE OF COMMONS,

Wednesday, June 17, 1835.

Minutes.] Bills. Read a second time:—Agra Government; Savings' Banks; Postage.

Petitions presented. By Sir Charles Knightley, from Daventry, for the Repeal of the Duty on Spirit Licenses. By the same, and Mr. A. Trevor,—for Protection to the Irish Protestant Church.—By Mr. A. Trevor, from Stockton, against any Alteration in the Timber Duties; from the Trustees of the Middlesex and Essex Roads, against the Manure Toll Exemption Bill.

The Church — (Ireland).] Mr. *Arthur Trevor*, in presenting several Petitions against the appropriation of the Irish Church Revenues from Gateshead, Chester-le-Street, and other places in the county of Durham, observed, that it having been affirmed on a former occasion by the hon. Member opposite (Mr. Pease) that such Petitions as these were "got up" by the Clergy of the Diocese, he (Mr. A. Trevor) had caused inquiries to be made on the subject, and he had ascertained that though the Clergy had of course been active in promoting such petitions, they had never rendered themselves liable to the charge of getting them up in the way described by the hon. Member for South Durham.

Mr. *Hedworth Lambton* said, that as one of the Members for the county of Durham, he should be extremely sorry that the House or the country should receive these petitions as an expression of the opinion of that county. In behalf not only of himself and his hon. Colleague, but of a great majority of their constituents, he would put in a total and distinct disclaimer of all the statements and assertions so lavishly put forth in these petitions. Let but the House look at the very limited number of signatures appended to these petitions, and then consider the extended population of the northern division of Durham, where the electoral body was not less than 5,000, and they would at once see and acknowledge that such petitions could not be looked upon as expressing the opinions of that portion of the county. There were two points in one of these petitions, which he was sorry had not been read, on which he would make a few observations. One of these was an assertion that the measure contemplated by the Home Secretary tended to the speedy destruction of the Protestant Church, and the encouragement of Popery. Yet what was that measure in sober fact? It was a most necessary and praiseworthy plan for rescuing millions of Catholics from contributing to the support of a Church to which they did not belong, and to put an end to the abuse of giving clergymen large incomes for doing nothing. It was a most cutting insult to the Protestant Church to say that it would be injured by such a measure as this. The next point referred to by the Petitioners, was the alleged violation, by the Catholic Members of that House, of the oath they had taken on entering it. No calumny could be more gross or false. He felt it his duty to express his firm and conscientious belief that the Catholic Members were fully as incapable of breaking an oath, and as deeply impressed with the sacred solemnity of its obligation, as any men, whether in the House or out of it. If the Catholic Members were to be debarred from giving their votes on this subject, what, he would ask, was the use of Catholic Emancipation?

Mr. *Harland* said, that of the ten Members for Durham county, not less than seven had voted for the appropriation of the Irish Church Revenues; nor could it be said, that this majority did not represent the opinions of their constituents; for at the last election one of the main subjects spoken of from the hustings was this very measure, the support of which was forcibly impressed upon the Members in receiving the support of the electors. He would not go into any details as to the means which had been had recourse to in getting up those petitions; he would only express his decided conviction, that if the question were fairly and honestly and truly put before the people of that county, a very unquestionable majority would affirm the proposition. It was a measure which, so far from injuring the Protestant religion, would put it on a firm footing, not only in the affections and love of the people, but in their reason and judgment.

Mr. *Cuthbert Rippon* stated, as a matter of undeniable fact, that these petitions were got up by the clergy, the authors being none other than the pious and political brotherhood known as the Dean and Chapter of Durham, aided by the patriotic body called the Durham Conservative Society. It was set forth that these petitions conveyed the general opinions of the men of the county of Durham. Now, in Gateshead there were 508 electors; of these but twenty had signed the Petition from Gateshead. Gateshead contained a population of 15,000, yet among all these the reverend petition-hawkers had not been able to raise the other fifty-eight names appended to the petition, for not a few of this number were collected from the neighbourhood—in one or two cases from a distance of not less than ten miles. With these facts before their eyes, the House of Commons would not for an instant, he trusted, allow such petitions as these to be foisted upon them as expressing the real feeling of a great and influential county. The two respectable bodies he had spoken of above, were but too happy in having persuaded the hon. Member opposite to become as it were the conduit-pipe of the overflowings of their religious bigotry and political rancour.

Mr. *Arthur Trevor* said, that his opinion of the bodies alluded to, was so very different from that expressed in no measured terms by the hon. Member, that he was very proud of being thought worthy to become their conduit-pipe. It had always been his principle, however, to bring forward any petitions with the presentation of which he might be honoured in an open and candid way, to afford hon. Members every facility for giving their opinions on the contents of them. His position in reference to his constituents, was one of great difficulty and delicacy, but being the only Member for that part of the country who sat on that (the Opposition) side of the House, it was not unnatural that persons entertaining opinions similar to his own, should confide to him the presentation of petitions to the House on matters of great political moment.

Mr. *Pease*, as one of the Members for Durham, wished to state the manner in which those petitions were got up, especially as his former statement on that point had been controverted by the hon. Member opposite. He had received a letter from a most respectable constituent of his on the subject, which he would read to the House. The hon. Member accordingly read the letter. The writer stated, that having seen his (Mr. Pease's) statement contradicted by the hon. Member, Mr. Trevor, he begged to furnish him with evidence as to the way in which those petitions were got up. The writer said, that he had signed one of those petitions, and that he was not only ignorant of the nature of its contents, but that he had been grossly deceived on that point by one of the persons who had been sent round the county with blank sheets to obtain signatures to the petition. He (the writer) asked that person if the petition contained anything contrary to the Motion of Lord John Russell, and his reply was "no; not in any shape." In consequence of that statement, he (the writer) affixed his signature to the blank sheet. He had since conversed with others who had signed similar petitions, and who complained of having been treated in the same way. The writer said, that when the sheets with signatures were filled, they were sent to Durham, and pasted on the petition there, which had been got up by the clergy. His correspondent, in conclusion, had appealed to him to know, as this petition was a gross lie and misrepresentation, whether it was not one which should be expunged from the records of the House? Many who had signed those petitions had been deceived like the writer of this letter, though he was ready to say that several of the names he saw to them were the signatures of persons entertaining such sentiments as the petitions expressed. In voting for the appropriation Clause, he had voted in accordance with the feelings and sentiments of the great majority of his constituents.

Petition to lie on the Table.

REGISTRATION OF VOTERS.] Lord *John Russell* said, that he did not know whether the House was now prepared to adopt the Resolution mentioned the other night; but perhaps the better way would be to move it, and then, if it were thought necessary, to postpone it for consideration. The Resolution of 11th June, 1833, which had been lately rescinded, directed the Speaker to order the Returning-Officer of any borough to omit in the register any names of voters struck from the poll by Election Committees. It was obvious that this course would not apply to voters who coming too late, were improperly inserted on the poll, although very properly included in the register; but it would most justly apply to those who the Committee decided ought never to have been included in the register at all. To that extent he proposed that the Resolution should go; but another question might arise—a question that had been suggested to him by a Member of the Ipswich Committee: it was this—whether persons reported to have been guilty of bribery should thereupon, by order of the Speaker, have their names erased from the register? It seemed objectionable that any person found guilty of bribery should have the right of voting again at an election, perhaps immediately succeeding; but on consideration he thought it would be unwise to attempt to give to a Resolution of the House the force of an enactment. The House unquestionably was the ultimate judge of the right of voting; but bribery was a legal crime to which a Resolution of the House ought not to apply, but the law should be allowed to take its due course. He would not enter further into this point, but it might be proper to insert a provision regarding it in a Bill. He would read his Resolution with a view to have it printed. It would run thus:—"That in all cases where a Select Committee, appointed to try the merits of an election for any county, city, or borough, report to this House that the names of any voters ought not to have been placed in the register of voters, or that the names of any voters have been unduly omitted from such register, Mr. Speaker shall issue his directions thereupon to the Clerk of the Peace, Town Clerk, or other Officer, with whom the register of voters of such county, city, or borough is deposited, to amend such register, by striking out or adding names to such register, as the case may be, in conformity to the Report of such Select Committee."

Mr. *Callaghan* called the attention of the House to the peculiar case of the last election for the city of Cork, the merits of which had been tried by a Committee, and decided in his favour. The Committee had decided that a certain class of voters had no right to poll; these were non-resident freemen, who also had registered without swearing to residence. About 200 of these had been decided against by the Committee, and their names had been struck off the poll; but there were, perhaps, as many more, whose cases had not been examined, but if examined, would be found exactly similar. The question was, what should be done with the latter, who might occasion just the same trouble and expense to a candidate at any future election, by effecting, if he might so say, a fraudulent return? Justice to the constituency required that these also should be struck off.

Lord *John Russell* thought that as the Resolution was worded, that class of voters would be included.

Mr. *Goulburn* said, that no Committee had yet given any opinion upon the right of these voters, and, on inquiry, their situation might be found to be different.

Mr. *Sheil* said, that it was quite clear that this was a grievance that ought to be remedied, and the Cork election illustrated it. A number of persons had been registered who had no right to vote; some of these had been struck out by the Committee, and others remained—their cases not having been investigated. At the Cork election, the barrister who attended on the part of the sheriff, said, that his opinion was, that they were not entitled to vote; but as they were upon the register, he felt himself precluded from rejecting them. If another election were to take place to-morrow, many of these would offer themselves, and on the same ground could not be refused, excepting after the inquiry of a Committee, which might cost the candidate 5,000*l.* or 6,000*l.* It was incumbent, in all humility he said it, upon the noble Lord to bring in a Bill to remedy this evil. Another evil was, that in the county for which he (Mr. Sheil) sat, there was but one polling place; the county was seventy miles long, and many of the voters he had to convey the whole distance at a heavy expense. A third evil was, that in Ireland elections lasted for five days. If the sheriff admitted improper votes after incurring all the cost of the election, he might be unable to establish his right under a sum of 5,000*l.* or 6,000*l.*, with a chance that his petition would be voted frivolous and vexatious.

Mr. *Charles Buller* thought that the case quoted by the hon. Member shewed that there was something defective in the mode of registration adopted in Ireland, and he was of opinion that the registration in Ireland, as in England, should be annual.

Mr. *Shaw* was anxious that the law on the subject should be known and clear, and complained that the decisions of the Youghall and Ennis Committees were directly opposed to those of the Longford and Monaghan Committees, as to revising the decision of the Registering Barrister. Even if the law were bad, it would be better that it should be uniform.

Mr. *Hume* said, that he was only waiting until the Attorney-General for Ireland was in his place, in order to bring in a Bill to remedy the evil.

Sir *Robert Peel* remarked, that the objection of the hon. and learned Member for Tipperary (Mr. Sheil) was applicable in principle, whether registration took place every year, as in England, or only once in eight years, as in Ireland. What he had said was this—that the Committee decided that certain voters of Cork were disqualified; but that certain other voters, whose cases had not been entered into, were equally disqualified; and that they ought not to be allowed to vote again, should an election occur. It certainly aggravated the case where the registration lasted eight years; but the principle was the same where the registration was every year. He thought the case of the hon. Member for Cork a strong one; for if two hundred other voters had no more right to poll than the two hundred struck off by the Committee they might give the same trouble at the next election that those already struck off had occasioned at the last. It seemed out of the question to leave the register so defective; but the difficulty was, to find a tribunal to determine who did, or who did not, come within the rule laid down by the Committee. If there had been no examination into these cases by the Committee, how was the point to be decided? It seemed to him better to adopt the Resolution of the noble Lord, and to apply some subsequent enactment to cases like that of the city of Cork.

A *Member* (of the Cork Committee) remarked, that it had been agreed on both sides that all voters of a certain class should be struck off.

Mr. *O'Connell* was quite sure that nothing effectual could be done without legislation. He begged respectfully to ask the House what reason there was that there should not be an annual revision of the registry in Ireland as in England? The inconvenience of octennial registration was this, that in eight years a thousand changes might take place, and yet the certificate would be conclusive, or could only be set aside at an enormous expense by a Committee. He would mention Youghall as a place with which he was somewhat familiar; there registration took place at a distance of seventy miles; every man who registered had that distance to travel. Ought that to continue? The Attorney-General had asked him what suggestion he would make as a remedy; but he could hardly venture to give any opinion, lest it should be said that it was his work; but whose work soever the remedy might be, the evil ought not to remain. In the city of Dublin the House had called for a return of those who obtained their freedom by birth, servitude, or marriage, or by grace especial, and the Return was, that they admitted nobody of right; yet they were every day admitting by virtue of birth, servitude, or marriage, and Chief Baron Joy had held that it was a good right of voting. He (Mr. O'Connell) thought that the annual revision should be subject to appeal both ways; at present there was an appeal from the Registering Barrister to a Judge of the Superior Courts, but the appeal ought to lie as well for improper admission as improper rejection. It might be conclusive for twelve months, but not longer; and thus everybody before an election would know who was entitled to vote, and the enormous, frightful, and, he would say, disgraceful expense of a scrutiny avoided. Some evil might indeed arise from the Barrister and the Judge being both wrong: but the error could only last for a year, or at all events the chance was, that then it would be corrected. He hoped that the Attorney-General would consent to bring in a Bill to amend the law in these respects, and that before another week elapsed it would be laid upon the Table.

The *Attorney-General*, in the absence of his hon. and learned Friend who held the same situation in Ireland, admitted that it was of great importance that a Bill should be introduced to amend Irish registration. There was no reason why it should not be annual, and no reason why an Irish election should last five days; and he hoped that in England an election would, ere long, be concluded in one day. He entirely agreed with the hon. and learned Member for Dublin, that there ought to be some appeal from the revising Barrister, and that afterwards the register should be conclusive for a year.

Lord *Stanley* would not enter at large into the Question, but agreed that Irish registration admitted and required amendment. He rose principally to remind those who were not Members of the Parliament which passed the Reform Act, that in England up to that period there existed no system of registration; in Ireland there was a system, and although it was generally admitted to be defective, it was thought better not to change it until the result of the experiment in England was known. There was no reluctance to put both countries on the same footing, but a desire to see first how the new plan worked in England. There was at the time great difference of opinion among the Irish Members in particular as to the three points of separate polling places, length of registration, and duration of elections. These were matters discussed at the time, and it was finally agreed that it would be wiser not to make the change until it was known how the new plan operated in this country.

Mr. Sergeant *Jackson* did not think that the hon. Member for Dublin had fairly stated the case respecting the Corporation of Dublin, and he said this with the more confidence, as he had been engaged in the case professionally. The Corporation contended that no person had a right to his freedom either by birth, servitude, or marriage; but they contended that they were bound to consider the circumstances of each case. The Corporation had always claimed this discretionary power, and it had been admitted by the Court of King's Bench. The decision of Chief Baron Joy was also in favour of the point contended for by the Corporation. The point upon which that learned Judge gave his decision had been raised by the hon. and learned Gentleman, and had been opposed by himself. At the same time the Judge also admitted that any person had a right to have his name entered on the register if he showed the certificate of the town clerk.

Mr. *O'Connell* was anxious to observe that all that he knew of the judgment of Chief Baron Joy was from the newspapers; he was not in Dublin at the time Chief Baron Joy gave his decision. The point then was, the freedom was claimed as a right, and the city of Dublin refused to admit any as a matter of right. Since the year 1792 the Catholics had been entitled to take up their freedom in Dublin, and yet none had been admitted, though many had become entitled to their freedom either by being the sons of freemen, or having served an apprenticeship, or from having married the daughters of freemen. That Corporation excluded all that it chose, and admitted none but such as it pleased.

Mr. *Cutlar Fergusson* considered the point suggested by the Attorney-General to be one of very great importance, and he hoped that it would become a matter of legislation—namely, that whenever the right of voting had been properly adjudicated upon the appeal tribunal, that it would be considered as finally settled. He did not think that it was right that the vote should be disputed after it had been fairly put on the register. He trusted that very shortly a proper appeal tribunal would be established, before which disputed votes could be determined, and after the decision of which it would not be allowable for any person to impeach a vote. This principle obtained in the ancient system in Scotland, and whenever a name was placed on the roll, no person could dispute the validity of the vote, provided the right on which it was held was not transferred—neither the Court of Session nor the House of Commons had ever done so.

Debate on the Resolution postponed.

LIMITATION OF POLLS BILL.] Mr. Elphinstone moved that this Bill be committed.

Lord *John Russell* was favourable to the principle of the Bill, but he would suggest to the hon. Member who had introduced it, whether it would not be better to refer this Bill to the Committee which was now sitting to inquire into the present mode of registration.

Sir *Robert Peel* thought that it was desirable, if it could be so arranged, to diminish the period for taking the poll. If this were done he had no doubt it would lessen the expense of elections, tend to put a stop to intimidation, and also to lessen bribery. The subject, however, involved so many small points of detail that he did not think it could well be considered in a Committee of the whole House. He, therefore, agreed in the suggestion of the noble Lord, that it perhaps would be advantageous to refer it to the consideration of the Registration Committee. He felt very much disposed to adopt the principle of the measure, but looking into the details, he did not think that they were by any means as perfect as they might be rendered. If a measure like the present were adopted, it would become a matter of imperative necessity to have a greater number of polling places than were now allowed. He was sure that the hon. Member would attain his object much better by going before a Committee up stairs, than by persisting in having a Committee of the whole House.

Mr. *Hume* had prepard a Bill on this subject, but had abstained from introducing it until he had seen what the Registration Committee intended to do. He would also recommend his hon. Friend either to wait till that Committee had made its report, or at once to refer the Bill to that Committee, or any other. It ought not to escape recollection, that a Committee last year recommended that the chief provision of this Bill should receive the sanction of the Legislature. The Registration Committee had met that day, and had made great progress with their labours, and he thought that very shortly after Friday next they ought to see the Report laid on the Table. He, for one, was most anxious to promote the success of the principle of the measure, although he did not think that the details were sufficiently explicit.

Mr. *Charles Buller* recommended the hon. Member for Hastings not to adopt the suggestions made to him without due deliberation. If the hon. Gentleman sent the Bill to a Committee up stairs, it was not likely that he would get it passed this Session. It had been suggested to his hon. Friend to refer the Bill to the Registration Committee, as if that Committee had not now sufficient work to perform. He was sure if that Committee went through the matters referred to them in a satisfactory manner, that they could not bring the labours to a close before the end of the Session. His hon. Friend had no chance of carrying his Bill at present, if he did not get it committed at once.

Mr. *Ewart* recommended that this subject should not be mixed up with others, but that it should be referred to a Committee up stairs, with directions to report on it with as little delay as possible.

Mr. *Aglionby* did not oppose the second reading of the Bill, but he suggested that it should be postponed, as he knew that the hon. Member for Middlesex had prepared a Bill on the subject. It appeared to be the wish of all parties that a Bill on the principle of this measure should be passed into a law, as it would tend to lessen the expenses of elections and put down corruption. From what had come out before the Election Committees, it appeared that nearly all the acts of bribery were committed on the second day of the election, and he had no doubt that by increasing the number of polling places, any election might be got through in one day. The Bill was certainly short and simple, but he did not think that the machinery was sufficient. He happened to know that the Bill the hon. Member for Middlesex had prepared on the subject, was much better in that respect.

The *Chancellor of the Exchequer* recommended the hon. Member for Hastings to refer the Bill to a Committee up stairs. He was favourable to the principle of the Bill, and felt satisfied that the House would not do its duty if it did not alter the election-law on the subject.

Colonel *Wood* felt convinced that if the polling was to be completed in one day, that it would be necessary greatly to increase the number of polling places in all counties. In the county he represented, there were 2,000 voters, and only one polling place, and it would be impossible that they could all record their votes in one day.

Colonel *Sibthorp* thought that it would be equally necessary to increase the number of polling places in towns. He was favourable to the principle of the measure, but he trusted that the hon. Gentleman would consent to refer it to a Committee. It was not a party question, but a matter of great importance both to Whigs and Tories.

Mr. *Warburton* recommended the hon. Member to withdraw the Bill for the present, and bring it forward in an amended form. He very much doubted whether they could not in this Bill get rid of one of the three questions put to the voter on his tendering his vote. The question he alluded to was whether he possessed the same qualification which he did at the time of registration.

Sir *Matthew White Ridley* reminded the House that there were several Bills on the Table for altering many important parts of the Reform Bill. There was one for altering the mode of registration; another for preventing intimidation; a third for the better prevention of bribery, and this for taking the poll in one day. If they went on in that way, they would repeal step by step the whole of the Reform Bill. He would suggest that all the Bills should be referred to a Committee up stairs, for the purpose of consolidating them. They ought to be extremely cautious in their proceedings respecting this matter, lest in their anxiety to produce good they did great mischief. He doubted whether this Bill, if passed into a law, would diminish the expense to candidates; on the contrary, he believed that it would greatly increase it.

Mr. *William Duncombe* wished to know from the noble Member for the West Riding of Yorkshire, whether he intended to propose to increase the number of polling places in that Riding.

Lord *Morpeth* replied, that if that Bill passed it would be highly desirable to increase the number of polling places.

Mr. *Ord* felt satisfied that the hon. Member for Newcastle was in error in supposing that this Bill would increase the expense of elections. The chief expense of elections in counties was carrying the voters to the polling places. If the distance between them was diminished, the charge of conveyance would be greatly lessened. He thought that it was also desirable to keep the measures for amending certain points in the Reform Bill perfectly distinct from each other. The course pursued by the hon. Member for Hastings appeared to him to be most judicious; but the Bill as it now stood would not carry the intentions of his hon. Friend into effect.

The House went into a Committee. The clauses of the Bill were agreed to, and the House resolved itself into Committee on the Colonial Passengers' Bill.

Passengers to the Colonies.] On the Clause being read relative to the casks which shall be used to contain water for the voyage,

A *Member* suggested that the owners should be restricted from using any that had been previously employed for any other purposes.

Mr. *Hume* could see no objection to the use of wine or brandy casks. He thought it would be quite sufficient to declare "that the officer shall satisfy himself that the casks had not been filled with any thing to render the water unhealthy or impure."

Mr. *W. Smith O'Brien* reminded hon. Members that if the officer were not allowed to use his discretion, oil casks might be used, which would render the water very unpleasant if not unhealthy. He was aware that many vessels left Limerick last season with emigrants, and all water on board of them was contained in oil casks.

Mr. *Goulburn* admitted that it would be advisable to specifically prohibit oil casks.

The Clause was agreed to.

Mr. *Hume* called attention to the fifth Clause, empowering the inspecting officer to examine the provisions, &c., immediately previous to sailing. He thought this interference would be likely to cause injurious delays to vessels on the point of sailing, and suggested that the officer should be required to complete his search a certain number of days previous—say three; or, better still, that the provisions should be examined and approved of before shipment.

Mr. *Warburton* thought that the powers proposed to be conferred on Custom House officers of absolutely rejecting a stock of provisions already shipped, might be rendered the source of great abuse in outports, where it would be difficult to obtain a fresh supply, except from a favourite of the officer, and at a ruinous price.

Mr. *Hume* was much against the minute and vexatious legislation pursued in Bills of this nature. He thought it would be quite as consistent to order an inspection of the steam-boiler of a packet preparatory to every trip, for it might blow up and destroy the passengers if not kept in a sound working condition, as had indeed frequently happened.

Mr. *Goulburn* vindicated the principle of the Bill, which only interfered to protect those whom it was not the interest of the shipowners to take care of. The latter would look to the sufficiency of their boilers for the sake of their vessel, while it was found by experience that in many cases they allowed the poor passengers to starve.

Mr. *Labouchere* was anxious that no restrictions should be imposed on ship-owners which could be avoided, but the general poverty of emigrants made it necessary that the Legislature should protect them. Such dreadful scenes had been heard of in consequence of ships proceeding to sea imperfectly equipped and provided, that the Legislature was bound to prevent such scenes if possible.

Mr. *W. Smith O'Brien* knew that out of 2,500 poor emigrants who left Limerick last year, 500 died on the passage. Vessels had set sail for America in a state not fit to cross the channel to England, the proof of which was that from the third day after their departure the pumps were obliged to be kept going all the voyage.

Mr. *Roebuck* believed that the loss of life was caused rather by the ships being unseaworthy than by the want of provisions on the voyage. He must add that precautions were necessary, for last year there were 30,000 emigrants (for the most part quite destitute) sent out to Canada without any supplies to keep them from starving during the five or six months that the country was bound up in frost and snow.

Mr. *Clay* submitted that the example of the East-India Company (with respect to the systematic inspection to which their ships were subjected previous to a voyage) was the best that could be followed in the present case. The happy effects of this course was that the Company's insurance did not amount to one-sixth of the ordinary rates, for no ship of theirs was allowed to sail unless first approved sea-worthy. Their ship-stores never spoiled or afforded subject of complaint; in fact, no bad provisions were offered to their vessels, for it was well known that they would previously be inspected. If emigrant vessels were compelled to adopt similar salutary arrangements, they would no longer hear the just complaints of poor passengers respecting the deficient quantity or deteriorated quality of their provisions.

Mr. *Burnard* suggested the propriety of prohibiting the employment of vessels in the emigrant service that were twenty-two years old.

Mr. *Warburton* strongly objected to the restriction. It would act as a premium on the building of a bad class of vessels, designed not to last even twenty years. It would be much safer to trust to the character of each vessel on Lloyd's list.

Mr. *Hume* recommended the adoption of the practice of Government, which caused a strict inspection of vessels that offered to take troops abroad, and suggested that no vessel should be allowed to take passengers on board unless similarly inspected and approved. The age of vessels could never be a satisfactory guide. He had sailed very safely in a ship seventy-two years old.

Mr. *Thorneley* complained of the clause restricting the export of spirits in emigrant vessels. He thought a cargo in pipes or hogsheads as safe as one in bales.

An *Hon. Member* stated, that he had known cases where the captains had taken out a large stock of spirits, apparently for exportation, but really to sell to the passengers for his own profit. In cases where the passengers mutinied, and took the control of the vessel into their own hands the presence of such a stock was particularly dangerous.

Sir *G. Grey* thought that the only practicable way to prevent these evils was to prohibit the export of any spirits in vessels fitted out to take passengers.

Mr. *Hume* had no objection to impose a penalty on masters or mates who should sell any spirits to emigrants on a voyage, but he did not think it just to limit the owners' right to ship what cargo he pleased.

The Bill went through Committee, and the House resumed.

ROMAN CATHOLIC MARRIAGE BILL.] On the Motion of Mr. Lynch, the House resolved itself into a Committee on the Roman Catholic Marriage Bill.

The first Clause was read as follows:

"Be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, so much of an Act passed in the nineteenth year of the reign of his Majesty King George the Second, intituled, 'An Act for annulling all Marriages to be celebrated by any Popish priest between Protestant and Protestant, or between Protestant and Papist, and to amend and make more effectual an Act passed in this Kingdom in the reign of her late Majesty Queen Anne, intituled, "An Act for the more effectual preventing the taking away and marrying children against the wills of their parents or guardians,"' as relates to Marriages celebrated by Popish Priests between Protestant and Papist, shall be and the same is hereby absolutely repealed; but nevertheless so as not to render valid or in any manner affect any marriage, the invalidity of which is now or hath been disputed or questioned under or by virtue of the said Act, in any of his Majesty's Courts Ecclesiastical or Civil in Great Britain or Ireland."

Mr. *Shaw* objected to the Bill on two grounds; first, that it would remove the great practical impediment to the celebration of clandestine Marriages by Roman Catholic priests, imposed by the 19th George 2nd., and expressly left unrepealed by the Act introduced by the Attorney-General for Ireland (Mr. Perrin) in the year 1832, when he did Repeal the Law enacting the penalties—which he (Mr. Shaw) admitted were unduly severe—of death, and fine of 500*l.*; so far only, however, as regarded the Roman Catholic priest; and his (Mr. Shaw's) second objection was, the partial nature of this legislation; for while it removed the penalty of death from the Roman Catholic priest, it left, according to the strict law, the degraded Protestant clergyman subject to it.—[Mr. *Perrin:* "No, no!"]—He must insist that such was the law, and that the present Bill would remove the only remaining obstacle in the case of the Roman Catholic clergyman, that was the nullity of the marriage. While he objected to this partial charge, he deprecated as much as any man, the present state of the marriage law in Ireland, and was as anxious for its improvement on a broad and comprehensive basis.

Mr. *O'Connell* said, that the right hon. and learned Member for the University of Dublin, was wrong in supposing that this Bill would encourage clandestine marriages. Such marriages occurred at present, and would continue to occur, whether they passed this measure or not, the effect of which would be to take the penalty of such marriages off the innocent, and fix it upon the guilty parties. It was not right that the children should suffer; if any one was to suffer, let it be the parents. The present system encouraged young men of the Established Church in Ireland to marry Catholic females of a rank in life below themselves for the purpose of seduction. Now, the present Bill would defeat that object; it would no longer be a mock marriage; and if the young Protestant gentleman united himself in this way with a Catholic female, that person would be actually his wife, and the innocent children would escape the punishment of illegitimacy which they now suffered. He should like to see the statute referred to by the right hon. Gentleman Mr. Shaw, for he did not believe that any such law existed. The present law was the last remnant of the penal code, and ought forthwith to be repealed. The penalty for celebrating marriages between Roman Catholics and Protestants was done away with, and the only persons now punished were the innocent children who suffered for their parents' vices.

Colonel *Perceval* said, that on a former occasion, when the Bill was in progress through the House to do away with the penalty of 500*l.* that then existed for a Roman Catholic priest marrying a Roman Catholic and a Protestant, it was urged as an inducement to the House to do away the penalty, that the marriage so celebrated would be illegal, and now it is urged as a reason for legalising the marriage, that the penalty has been abolished, and therefore that the law, as it at present exists, ought to be repealed. By the Bill at present before the House, a Roman Catholic priest might marry when he pleased, and whom he pleased. The Bill imposed no restriction whatever; the priest might enter the House of any Protestant, and celebrate a marriage, at any hour he pleased, with perfect impunity; and this, he maintained, was more than a Protestant clergyman could do. He (Colonel Perceval) protested he could not see why the Roman Catholic people should consider themselves aggrieved in being obliged, when they intermarry with Protestants, to have the ceremony performed by a Protestant clergyman. If the Roman Catholics would but place themselves within the law, and submit to the publication of banns, or that a license should be procured before the ceremony of marriage could be celebrated, then all the objects sought would be attained; but they would not submit to that which Protestants were obliged to submit to, and therefore he considered it unjust to allege that they were in the slightest degree aggrieved. More than two years ago, he (Colonel Perceval) impressed upon the present Attorney-General for Ireland the necessity of bringing in a general marriage law for Ireland; and he trusted that the right hon. Gentleman, aided by the advice of the learned civilian (Dr. Lushington) would introduce a general measure, which would not place one sect above another, or permit a Roman Catholic priest to do that which a Protestant clergyman could not do legally. Nothing could be more ruinous to the peace of families than giving facilities for the celebration of clandestine marriages; and, for his part, he could wish to see the British Parliament take a lesson from the French in this respect, by placing the names of the parties, who were about to enter into the contract, for a fortnight previously before the public. By adopting such a course, much of the heart-scalding which was known to result from clandestine marriages would be saved; and he considered that the feelings of parents ought not to be altogether overlooked, as was the case in the Bill then before the House. Under all the circumstances of the case, he felt it his duty to protest against the removal of the only check that now existed upon the celebration of clandestine marriages in Ireland.

Mr. *Shaw* said, he had got from the Library the statute to which he had referred, and as the hon. Gentleman (Mr. O'Connnell) had denied its existence, and the right hon. Gentleman (the Attorney-General for Ireland) insisted that it did not inflict the penalty of death on degraded clergymen, he hoped the House would allow him to read it. It was the 12th George 1st., c. 3, entitled, "An Act to prevent marriages by degraded clergymen and Popish priests," and provided, "that if any Popish priest, or any degraded clergyman, shall celebrate any marriage between two Protestants, or reputed Protestants, or between a Protestant, or reputed Protestant, and a Papist, such Popish priest, and such degraded clergyman, shall be and is hereby declared to be guilty of felony, and shall suffer death as a felon."

Dr. *Lushington* said, that no man was more anxious that a general marriage law should be passed than he was, and he was glad to hear the gallant Member for Sligo state that he approved of the French system; but would the gallant Member guarantee that a general marriage law would pass the House of Lords? All former attempts at legislation upon the subject had failed. The law, as it at present stood, as had been truly observed by the hon. and learned Member for Dublin, was the last remnant of the penal code, and until every vestige, as well as every recollection of it, had been expunged, the people of Ireland would not, and they ought not, to be contented. He should support the Bill before the Committee in all its stages.

Mr. Sergeant *Jackson* said, that he did not understand his right hon. Friend (Mr. Shaw) in the observations he made to advocate a continuance of the penal code—on the contrary, what his right hon. Friend urged, and what he (Mr. Jackson) demanded, was a law bearing equally upon all classes of his Majesty's subjects—which the Bill before the House manifestly was not. He maintained that the view taken of the law by his right hon. Friend was correct, as he had abundantly proved by the law he had just quoted. By the law, as cited by his right hon. Friend, if a Roman Catholic priest or a degraded Protestant clergyman celebrated a clandestine marriage, he subjected himself to the penalty of death. That law was so far repealed as regarded the Roman Catholic clergyman, and a penalty of 500*l.* was substituted, but it never was repealed so far as regarded a degraded Protestant clergyman.—[Mr. *Perrin* recollected a conviction of a degraded clergyman on circuit in the sum of 500*l.*]—He did not mean to justify convictions, the circumstances connected with which he had no knowledge of; but he was shewing that the penalty of death was never repealed as regarded a degraded Protestant clergyman. In the opposition he offered to this measure, he disclaimed all party views. The descent of property depended upon the law of marriage. He wished the Government of the country would take the matter up, and with the able assistance of the learned doctor (Lushington) introduce a general law that would press equally upon all classes. If such a measure were introduced, it should meet with his support. What he deprecated was, the existence of unequal laws. Every person acquainted with Ireland, knew that marriages in that country were to the priest the sources of great emolument. He was surprised if that cry came from Members conversant with the state of Ireland. He would repeat, that marriages formed a principal source of their income; and not content with the facilities that existed of Roman Catholics marrying persons of their own creed, this Bill afforded them the greatest facilities for celebrating marriages between Roman Catholics and Protestants. Why, he would ask, were the members of Protestant families to be subject to the intrusion of a Roman Catholic priest, and why should he be permitted to celebrate a marriage in their families without the publication of banns or the obtaining of a license? If a Protestant clergyman celebrated a marriage without banns having been duly published, or a license obtained, he was subject to be degraded, and if he celebrated a second marriage under similar circumstances, he was liable to the punishment of death. The measure then before the House would have the effect of rendering the peace of families insecure, and the descent of property uncertain; and under all the circumstances of the case, he thought the House would be acting in a most unsafe way by passing the Bill then under consideration.

Mr. *O'Dwyer* supported the Bill. The evils which the Gentlemen deprecated already existed, and the measure would remove them. In the manner of the hon. and learned Gentleman who had just sat down, the House had a fair sample of the faction who had so long domineered over Ireland. The hon. and learned Gentleman contended that an exemplary and pious Roman Catholic clergyman, and a degraded Protestant clergyman should be placed on the same footing, and for this his liberality the Roman Catholics in that House, as well as the Roman Catholics of Ireland, could not but feel grateful.

Mr. *Shaw* could not avoid congratulating the hon. and learned Member for Drogheda (Mr. O'Dwyer) on his new office of a lecturer on gentlemanly manners and temperate language; the House should know exactly how the law stood at present; the 12th George 1st. inflicted the penalty of death both on Roman Catholic priest and degraded clergyman; then the 33rd, George 3rd, superadded the fine of 500*l.* in the case of the Roman Catholic priest, but omitted the degraded clergyman; the latter statute raised a doubt by construction as to the penalty of death remaining against the Roman Catholic priest on account of the enactment of a mitigated penalty, but this did not affect the degraded clergyman; then the Attorney-General for Ireland (Mr. Perrin) brought in the Act of 1832, expressly repealing both those acts, as far as related to the Roman Catholic priest, but left the degraded clergyman untouched; also not interfering with, but expressly saving the Act which rendered such a clandestine marriage by a Roman Catholic priest void, and the present Bill was to render the marriage valid when between Protestant and Papist, but not when between two Protestants — adopting, in that respect, the principle of partiality in the case of the Roman Catholic, which pervaded the Act he had referred to of the Attorney-General for Ireland passed in 1832; this he (Mr. Shaw) considered unworthy legislation.

Mr. *Lynch* said, that all the arguments that had been urged upon the other side, bore upon the Bill of 1833, but had no reference to the measure then under discussion. The present Bill removed no penalties; they were removed by the Bill of 1833. The law, as stated by the right hon. Gentleman opposite (Mr. Shaw) with respect to degraded clergymen, was certainly in force, and ought to be repealed. All that he (Mr. Lynch) asked, was, that Roman Catholic clergymen should be placed on the same footing with Dissenting clergymen. All he asked was, that if a Protestant should yield to the conscientious feelings of the person he is about to marry, and has the ceremony performed by a Roman Catholic clergyman, that the marriage should not be void.

Mr. *Ruthven* believed the Bill would prevent clandestine marriages, for the Protestants would be convinced that they could not afterwards escape their natural consequences.

Mr. *Williams Wynn* objected to power being granted to Roman Catholic priests of celebrating marriages between Roman Catholics and Protestants.

Mr. *Perrin* said, that he had been under the impression that there did not any such penalty exist as that referred to by his learned Friends opposite, for such a law had never been carried into execution; but if it existed, he was ready to remove it. There was no Marriage-law in Ireland, and the peculiarity of the case was this— that whereas if no ceremony whatever were performed between a Roman Catholic and Protestant, and that they acknowledged themselves to be man and wife, the marriage was lawful, but if a marriage were celebrated between the parties by a Roman Catholic Priest, the marriage was null and void. It was to get rid of this anomaly that the present Bill was introduced.

Mr. Sergeant *Jackson*: Do the Ecclesiastical Courts hold a marriage to be good when no ceremony has been performed?

Mr. *Perrin*: They do.

The *Attorney-General* said, that marriages were held to be valid where no ceremony had been performed.

Mr. *Shaw* was of a different opinion so far as Ecclesiastical Courts went. All which he and his friends asked was, that in all these cases of clandestine marriages, the party celebrating them should incur the penalty of a misdemeanour.

Colonel *Perceval* said, there was no instance on record where a marriage was held valid in Ireland that had not been celebrated by a person in holy orders.

Bill went through the Committee,—and the House resumed.

COUNSEL FOR PRISONERS.] Mr. Ewart moved that the Prisoners' Counsel Bill be now committed.

The *Attorney-General* was anxious, before the Speaker left the Chair, to make a few observations in justification of himself, against a censure which had been cast upon him out of doors, in consequence of his not having expressed his sentiments with regard to the principle and provisions of this Bill on its second reading. He did not then attend the House, for this plain reason—that he had, in a former Session of Parliament, expressed his entire approbation of the principle of the Bill. He now begged to say, that after long deliberation on the subject, his clear opinion was, that in cases of felony, of misdemeanours, and of high treason, the party accused in the Criminal Courts of this country ought to have the opportunity of making his defence by Counsel.

An *hon. Member* opposed the Bill, on the ground that it would occasion considerable inconvenience in the due administration of justice. He conceived, that it was right prisoners should have Counsel in all cases in which speeches were made against them by Counsel for the prosecution. But in the English Criminal Courts, it was seldom the practice, in minor offences, for any speech to be made against the prisoner. He admitted, that it was sometimes done; but, speaking from his own experience, he confidently asserted that it was a course very rarely adopted; and he was perfectly certain that in the present Constitution of our Courts of Justice, it would be impossible to carry this Bill into execution. He hoped, therefore, if the Bill did pass, that the hon. Gentleman who had introduced it would alter the title of it, and instead of calling it a "Bill to provide prisoners with Counsel," he would call it a "Bill to give Prisoners to Counsel."

Mr. *Cutlar Fergusson* had never heard in the course of all the discussions that had taken place on this subject a single reason or a single argument, allied to common sense, that operated on his mind the conviction that prisoners ought not to have Counsel. It was a common phrase, indeed, that the Judge was Counsel for the prisoner. The fact, however, was not so; neither was it the business of a Judge to assume that character. It was his duty to see that nothing was done against the prisoner contrary to law; but so also was it his duty to see that justice was done towards the Crown. Besides, how could the Judge be Counsel for the prisoner, he being totally ignorant of the case that might be urged on his (the prisoner's) behalf. He trusted, therefore, that he should never hear that argument again. The Bill itself had his entire concurrence.

Mr. *Blackburne* said, that in the northern circuit he had always seen Counsel open the case for the prisoner, and if the practice was different in the midland circuit it should be altered and made the same. It ought not to be left to the prosecutor to say whether the prisoner was to be defended or not. He contended that little time of the Courts would be taken up if the Bill were permitted to pass. More time was lost now through the necessity of the Counsel putting questions to give the Jury a better idea of the circumstances of cases, and the present Bill, in nine cases out of ten, would be the cause of a saving of time. In the course of his practice, he always found that misdemeanours occupied less time than felonies. In burglaries, for instance, many minute circumstances might arise that it would be necessary for Counsel to explain to the Jury, and in which the prisoner required to have Counsel more than in cases of assault, in which punishment might not amount to more than a fine of five shillings. He would give his most cordial assent to the Bill.

Mr. *Poulter* thought, that much error prevailed on this question. He approved of the proposition that prisoners should address the Jury by Counsel in all cases where the prosecutor's Counsel should have previously addressed the Jury. But by the present practice prisoners had a great advantage; because it was not necessary for any prisoner to establish a case of innocence. The argument, therefore, for giving Counsel to prisoners, was a great fallacy. He would rather leave them with the benefit they now enjoyed in the mode of administering the Criminal laws of this country. Nobody could present a single authenticated case of innocence having been convicted for want of the aid of Counsel.

Mr. *O'Connell:* I can.

Mr. *Poulter:* What—authenticated?

Mr. *O'Connell:* I can.

Mr. *Poulter*: If the hon. and learned Member for Dublin meant to say, that in the lapse of ages such a case could be adduced he (Mr. Poulter) would admit that it was simply possible; but what did it arise from? Not from the want of a speech being made by Counsel, but from the infirmity of human knowledge. He begged, however, of all cases, to exclude from their consideration whatever might have occurred in Ireland.

Mr. *Shaw* desired to deprive the prisoner of no advantage, and thought that no consideration of time or convenience should weigh for a moment against the interests of justice; but his opinion was, that neither the advantage of the prisoner, nor the better Administration of justice, would be promoted by the Bill. The question was, not whether you would allow Counsel to the prisoner, for that the law did already—but whether Counsel should make speeches to the jury. They had, under the present system, ample means of addressing the Court on points of law, and suggesting all the important facts or views of a case upon which they might rely on cross-examination to the Jury. He had no objection to equalize the law in this respect, in the case of prosecution and defence—but if the Bill passed in its present form, it would impose a kind of necessity on an inferior class of the profession to address the Jury in every minor case of felony, and he did not consider that would be advantageous to the prisoner—but on the contrary, the Judge, in preventing the Jury from being misled, would probably have to make observations which might operate to the prisoner's disadvantage.

Mr. *Charles Buller* thought it very extraordinary that any Gentleman should challenge, as the hon. Member for Shaftesbury had done, the existence of any recent convictions in which the innocent party had suffered. He (Mr. Buller) would not go back to ancient cases: he appealed to the common experience of every one. He only asked the House to recollect the statements made at the discussion of the question last Session:—namely, that one Sheriff (Mr. Wilde) had during his Shrievalty saved no less than five persons who had been unjustly convicted. In that great city the public was not satisfied with the kind of trial which went on at the Old Bailey. In every case long negotiations went on to prove the guilt of the Prisoner. He went only as far as the present year. A few days ago, they had seen the convict Williams condemned for a capital offence; but respited because of doubts which existed after trial as to his guilt. His hon. Friend had thrown away some arguments which he considered stale, and unworthy of being used. He thought the arguments stale and unworthy. He had advanced the old argument that the prisoner would "lose by having Counsel!" It seemed to him (Mr. Buller) that some Gentlemen greatly overrated the facility of trials. It was thought sometimes, that criminal cases might be disposed of by any Judge. But there was the most difficult case of intention, and he (Mr. Buller) believed that in spite of the facility with which some Gentlemen thought Criminal cases were decided, there was quite as much difficulty in them as in civil cases. Gentlemen had entirely disagreed in their experience of the old law. His experience differed from both the hon. Members who had spoken. He could state that Counsel for the prosecution made speeches only in the most complicated cases. But it was in those very cases that the speech told most against the prisoner, for while every little fact was put together and given to the Jury in a certain light by the prosecutor's Counsel he had no right to rebut those interferences and conclusions by a similar statement on the part of his advocate. He was convinced that the real objection entertained by Judges and Chairmen of Quarter Sessions against the removal of this legal anomaly was their anticipation of a great waste of time by the speeches of the Counsel. It was, however, his opinion that by permitting those speeches much less time would be consumed, and such was the opinion of the hon. and learned Member for Huntingdon (Mr. Pollock). Counsel now endeavoured to address the Jury by the medium of cross-examination. He recollected one case in which a Counsel was for a quarter of an hour engaged in cross-examining a witness as to the point whether or not he had seen a dog run out of a house before the prisoner was said to have stolen a watch from the parlour. A friend said to him (Mr. Buller) in surprise, "Surely he is not going to charge the dog with the robbery." His (Mr. Buller's) impression was that the attempted defence was that the man had gone into the house to drive out the dog, and that by some accident the watch fell into his pocket. If the prisoner's Counsel had had to make a speech he would not possibly have set up so absurd a defence, and consequently have wasted so much time by cross-examination.

Mr. *O'Connell* appealed to the extensive practice he had for years had in criminal cases at the bar in Ireland, in corroboration of the sentiments which it was well known he entertained on this subject. How often had it been his lot to waste the time of a Court by attempting to make, by a long cross-examination of witnesses, indirectly a speech for the prisoner, so as to explain by this circumlocution that state of facts which would have been instantly explained had he possessed the power of uttering only four or five consecutive sentences as a defence for his client. He had witnessed numerous cases when for want of this equitable chance being afforded to a prisoner, as well as to his accuser, the unhappy man, though innocent, was found guilty. The prosecutor's Counsel's character was at stake, and he drew upon his own ingenuity. Why should not the permission to manage his case be granted also to the prisoner? By our law, a man arraigned for a misdemeanor, or a 5*s*. fine, would have the advantage of a speech from Counsel, whilst if a felony, when his life was to be the forfeit, the right was refused to the prisoner. The learned Recorder opposite had declared it was not for the interest of prisoners that their Counsel should be allowed to address the Jury, for they might by chance employ unskilful barristers; but might not the prosecutor employ incompetent men, and was it likely that the prisoner and his friends would fail in their exertions to seek out the most talented and experienced advocates? At one time the admission of evidence for prisoners was objected against on the ground that a Jury never convicted but on demonstration of guilt, and that the balancing of evidence by the Judge would frequently be detrimental to the prisoner's case. That objection was to be put on one side, and was now as justly ridiculed as he hoped would speedily be the objections to giving prisoner's Counsel the proposed liberty.

Sir *Eardley Wilmot* said, he had no objection to Prisoner's Counsel addressing the Jury in capital cases, but in petty larceny trials he thought it would be most inexpedient.

Mr. *Goulburn* considered the grand objection to the proposition to be this. It would not be denied that in criminal cases the attainment of truth was the chief object, but if Counsel were allowed to argue every point, and to make their own statements of the case, the display of legal ingenuity rather than the development of truth would be the consequence. This was known to be the fact in cases of misdemeanor, in which Prisoner's Counsel frequently kept back their evidence, and trusted the acquittal of their client to the power of their eloquence. As to the right at present possessed by the Prosecutor's Counsel, he had seldom heard it controverted that it was the practice of the profession never to exceed a simple unvarnished statement of the facts they intended to prove.

Dr. *Lushington* said, that the hardship inflicted on prisoners by denying their Counsel a right of addressing the Jury had attracted considerable attention so long back as 1805. He remembered that on one occasion thirty-one prisoners were convicted upon certain evidence, and sentenced to execution. A few days after other prisoners were, upon the very same evidence, found not guilty—the consequence of which was, of course, a pardon to the thirty-one. At the Admiralty Sessions he laboured for three hours to make the Jury acquainted, through his mode of cross-examination, with certain indispensable points, which they were wholly unable to comprehend. His efforts were vain, and the prisoners were acquitted only on a point of law.

Mr. *Sinclair* thought that prisoners and prosecutors should at least be put on an equal footing.

Mr. Sergeant *Talfourd* was quite willing to allow, for the sake of argument, that there was nothing but the justice of the case to be argued in favor of the Bill. He believed it would be found that the most eminent Counsel were in the habit of strongly exciting prejudice and ill-feeling towards prisoners. He would allude to the case of a Mr. Thatcher, tried at Warwick, where the prisoner had not only to contend with all the prejudice which the prosecutor had raised against him, but the Counsel for the prosecution at the close of a most ingenious speech, declared that "the murderer was unmasked." Another case which he recollected was that of a person who was indicted for a rape upon a young lady, the daughter of a master of the ceremonies at one of our watering-places. Not only did Mr. Erskine, who was Counsel for the prosecution on that occasion invest the supposed victim with all the charms which his fascinating eloquence could throw around her; but he concluded by pointing to the prisoner at the bar, and asking the Jury "whether they could suppose it possible that the plaintiff could have gone, voluntarily, into the arms of the squalid wretch before them?" These were the terms in which the Counsel addressed the Court against prisoners, who had not an opportunity of saying a word in their defence. Such addresses as these would scarcely be endured at the Bar now; but he deprecated still more the want of warmth which at present prevailed; the Counsel for the prosecution laying the facts before the Court in such a mode, as to present a hideous picture of the prisoner's crime to the minds of the Jury, and then taking credit to himself for a mercy the most insidious and dangerous that could be conceived. In a case of circumstantial evidence, the prisoner was not only without adequate defence, but without any defence at all. The means of cross-examination seemed, to those not behind the scenes, more effective and powerful than the person who understood the machinery of these matters knew it to be. It might sometimes, produce such an effect as to confound a foolish witness, and deceive the best. It was, however, much more difficult, also, than some Gentlemen imagined to elicit the truth by cross-examination, and how was the prisoner to be defended, when the evidence of the witnesses against him, could not be taken by that method, and his Counsel could make no statement to the Jury in cases where the infirmity of human nature was most to be deplored, and false judgement most to be apprehended? Without a statement to the Jury, how was it to be expected that during cross-examination the Jury or the Judge would be able to understand at what point the Counsel was aiming, or what was the real nature of his defence? With respect to some of the cases which had been alluded to, he could only say, that it had been his lot to defend a prisoner, whom he had seen convicted under circumstances in which public feeling had not been satisfied, nor justice satisfactorily administered, and with a deep sense of the infirmity of human tribunals —all which must have been remedied by the plain justice of allowing the prisoner the advantage of a Counsel.

An *Hon. Member* would undertake to say that if the proposition were agreed to, the business at the West Riding of Yorkshire Sessions would never be got through.

Mr. *Jackson* was satisfied that, in cases of circumstantial evidence, the Prisoner's Counsel ought to be allowed to address the Jury.

Mr. *A. Sandford* moved, that at the end of the first clause the following provision be added, "Provided, nevertheless, that in cases of felony, unless the Counsel against the prisoner shall have made a speech in the prosecution, the Counsel for the prisoner shall not address the Jury in defence of such prisoner."

The *Attorney-General* opposed the Amendment: it was very plausible but it would have the effect of placing the rights of the prisoner in the custody of the prosecutor. In many cases it might happen, whether intentionally or not, that the Counsel for the prosecution would also abstain from making a statement to the Jury, and thus deprive the prisoner of his right just when he most needed it, for instance when the Counsel for the prosecution could make out a strong *prima facie* case against the prisoner, he would not trouble himself with a speech but go at once to the evidence, and that was just the case in which the prisoner was most in danger. It seemed to him, therefore, that it would be impossible to accede to the Amendment without totally destroying the very principle of the Bill.

The Committee divided on the Amendment; Ayes 26: Noes 30; Majority 4.

Clause agreed to.

On the next Clause being read, to the effect that "in cases before Magistrates prisoners should not be allowed Counsel unless by the Magistrates' permission," amendment was moved by Mr. Buller, in these words:—"Except in cases where Magistrates have summary jurisdiction." The Committee divided when there appeared—

On the Amendment Ayes 22; Noes 22.

The Chairman gave a casting vote in favor of the amendment, which was agreed to.

List of the AYES.

Aglionby, H. A.
Baldwin, Dr.
Bish, T.
Blackburne, J.
Blake, M. J.
Chalmers, Patrick
Crawford, S.
Ebrington, Lord
Elphinstone, H.
Hume, Joseph
Musgrave, Sir R.
O'Brien, C.
Parker, John
Pease, J.
Pryme, G.
Rundle, J.
Ruthven, E. S.
Strickland, Sir G.
Sullivan, R.
Wakley, T.
Walker, C.
Wallace, R.
Warburton, H.

TELLER.

Ewart, W.

HOUSE OF LORDS,

Thursday, June 18, 1835.

MINUTES.] Bill. Read a second time:—On the Motion of Lord LYNDHURST, Marriages Legalizing.

Petitions presented. By the Duke of BEAUFORT and the Marquess of LANSDOWN, from several Places, against the use of Spirits, and against allowing Beer to be drunk on the Premises of Beer-shops.—By the Earl of ROSEBERY, from Kettles, against any Grant for Building Churches in Scotland.

HOUSE OF COMMONS,

Thursday, June 18, 1835.

MINUTES.] Petitions presented. By Mr. Alderman WOOD, from St. Dunstan's in the West, for the Extinction of Church-Rates.—By Mr. FRENCH, from Sligo, for an Inquiry into the State of the Irish Fisheries.—By Mr. E. BULLER, from Uttoxeter, for an Inquiry concerning the Tithe in that Parish.—By Sir H. PARNELL, from Dundee and other Places, against any Grant for Building Churches in Scotland.—By Captain ALSAGER, from East Surrey, for Protection to the Protestant Church of Ireland.—By Sir H. PARNELL, from Dundee and other Places, against the Duty on Post-Horses.—By Colonel G. LANGTON, from Shepton Mallet, against the Duty on Spirit Licenses.—By Mr. STRUTT, from Ludlow, in favour of the Municipal Corporations Bill; from Derby, for Vote by Ballot.—By Mr. HENRY MARSLAND, and another HON, MEMBER, from Durham, Tavistock, and Plymouth,—against Drunkenness.—By Sir R. MUSGRAVE, from Lismore and Tallow, for Equalizing Taxation.—By Sir H PARNELL, Colonel G. LANGTON, and Messrs. STRUTT, H. MARSLAND, K. TYNTE, HUME, ROEBUCK, and VERNON SMITH, from a Number of Places,—for the Repeal of the Duty on Newspaper Stamps.

CHURCH (IRELAND).] Captain *Alsager* presented a Petition from the Eastern Division of Surrey, signed by 2,000 Individuals, against the alienation of the Revenues of the Church of Ireland to other than Ecclesiastical purposes. As this petition was of so important a nature, as it was so perfectly in accordance with his own feelings, and as it was signed by a number of individuals for whom he had the highest respect, he begged to call the attention of the House to its prayer. It prayed, in the first instance, that the House would pause before it appropriated any portion of the revenues of the Church to other than the purposes to which they were applied. It next called the attention of the House to the propriety of making a grant for the endowment of Churches in Scotland. For his part, he must say, that he was only surprised at the smallness of the grant asked for in that case, and he was astonished to find it opposed in any quarter in that House. The petitioners expressed their apprehensions as to the projects which had been avowed and brought forward in that House with respect to Church Establishments. They, in conclusion, prayed the House to pause, and well consider, before it decided on a Question that agitated the minds of all persons throughout the empire.

Major *Beauclerk* begged, as one of the Representatives for the division of Surrey from which this petition came, to say that it certainly was signed by a very respectable body of persons. He was sure, however, that his hon. Colleague would not put it upon the House as a petition representing the feeling of the county of Surrey. It was signed by 2,000 individuals, but not 2,000 voters or electors. Seeing that the county of Surrey was one of the largest and most populous in the kingdom, and knowing that this petition had been carried about the county from one end to the other of it, he was only surprised that so few names were attached to it. The hon. and gallant Gentleman, he was sure, would bear him out in the statement, that the petition had been so carried about. In fact, during the last six weeks he had received letters from different parts of the county, announcing, that this petition was lying there for signatures. He had supposed, therefore, after such exertions, that it would have had 8,000 or 10,000 names to it. If the challenge should be given to him, he would engage to get up a petition signed by 10,000 or even 20,000 persons, from Surrey, of the very opposite description. It was his conviction, that the measure brought forward by the noble Lord (Lord John Russell) would do more than anything that ever was done to promote the establishment of true religion in this country. He looked upon the petitioners as wrong-headed and mistaken altogether. He did not doubt their sincerity—far from it, but if the course recommended by them should be adopted, he was sure that instead of carrying that good feeling, which religion should, into every part of the country, it would have directly the opposite effect.

Mr. *Freshfield* was one of the constituents of the hon. and gallant Gentleman who had just spoken, and he begged to assure him, that he was quite mistaken in his estimate of the state of feeling in the county of Surrey on this subject. If that hon. and gallant Member would only persevere in adopting and acting upon the sentiments he had just avowed, and if he would wait patiently till a dissolution of Parliament should take place, he would be furnished with a most convincing proof, that he did not represent the feelings of the county of Surrey.

Petition to lie on the Table.

CANADA.] Mr. *Roebuck*, on presenting a Petition from the House of Assembly of Lower Canada, contrasted the intentions of the late and present Government with regard to Canada. The late Government had resolved to act; they determined to send out a Commissioner to redress grievances; but the present Government intended to do nothing more than to send out a Commission of Inquiry into grievances which were known very well already. He complained of the audiences given by Lord Glenelg to two unaccredited individuals from Canada (Messrs. Neilson and Walker). The names of these two gentlemen were continually published in the *Court Circular*, coupled with an announcement, that they had been received by Lord Glenelg, while he, the accredited agent of the Assembly, the bearer of instructions from that body, was not allowed to appear in the noble Lord's presence, unless he had some official communication to make, and when he was desirous of informing Lord Glenelg, that the Commission would not be received by the Legislative Assembly, unless certain preliminaries were first settled, he was met by the observation, that his representations on the subject could not be considered as authorized, because the House of Assembly was prorogued before it was known that the Commission would be issued. It was on the representation of these two gentlemen, that the instructions given to the Commission by the late Government were altered, and others of a much less liberal character substituted. But he could tell the right hon. Gentleman opposite, that Lord Gosford, when he arrived in Canada, would find that no one connected with the Legislative Assembly would appear before him. To show the indisposition which existed on the part of the Government to attend to the wishes of the Canadians, he observed that no steps had been taken to repeal an Act constituting a Canadian Land Company, which, though containing enactments of a public nature, passed through the House as a private Bill. This Act was considered by the House of Assembly such an infringement of their rights, that they declared, they would not allow it to be brought into operation.

Sir *George Grey* thought he should best consult the interests of this country and of Canada by abstaining from discussing the different topics contained in the petition, as it was well known that a Commission was to proceed to Canada for the purpose of making inquiries respecting the grievances complained of by the inhabitants of that country; and he must say, that in his opinion, the Government did right in not excluding from the investigation of that Commission, grievances which had been alleged in other petitions besides those which had been presented by the hon. Member for Bath. However, some observations had fallen from that hon. Member, to which he was desirous of offering a reply. In the first place the hon. Member complained, that Messrs. Neilson and Walker had been received by the noble Lord at the head of the Colonial Department. It was undoubtedly true that those gentlemen had been received by that noble Lord; for as they had come to this country with petitions from a large portion of the population of Canada, the noble Lord was anxious to give to those individuals an opportunity of explaining the nature of the petitions of which they were the bearers. They consequently had had several audiences at the Colonial-office, and so had the hon. Member for Bath, who had never met any difficulty in communicating with the noble Lord, the Secretary for the Colonies. Upon the subject of the Commission, the noble Lord, waving all technical objections, informed the hon. Member for Bath, that he would be received as the agent of the House of Assembly, but not as the agent of the Province; and the hon. Member attended and made a statement with respect to the Commission. That statement (the noble Lord, the Secretary for the Colonies, observed in a written communication to the hon. Member) could not be considered to be a statement of the views of the House of Assembly, because, in point of fact, the House of Assembly was prorogued before it was known that a Commission would be issued. The hon. Member said, that the instructions of the late Government to the Commission were more liberal than those of the present. The hon. Member might know what was the nature of the instructions given by the late Government. The hon. Member might have been in the confidence of that Government, though he (Sir George Grey) surmised that such was not the case. Be that as it might, the hon. Member certainly was not in the confidence of the present Government, and not a syllable of the instructions to the Commission had been submitted to his inspection. The hon. Member therefore was not in a condition to say, whether those instructions were or were not less liberal than those which had emanated from the preceding Government, and the House would now know what weight it ought to attach to the comparison which had been drawn by the hon. Member. It had also been said by the hon. Member, that the instructions had been changed in consequence of representations from Messrs. Neilson and Walker. Now, the fact was, that the instructions had been altered before the arrival of those gentlemen in this country. He did not wish to prolong the present discussion; and he regretted to say, that the language employed by the hon. Member for Bath, was not calculated to close, but rather to widen the breach existing between Canada and the mother country.

Mr. *Robinson* said, as the hon. Member for Bath had alluded to a Bill by which the British American Land Company was established, he wished to observe, that that Bill was introduced when Lord Goderich was Colonial Secretary, and had received the sanction of his noble Friend (Lord Stanley). The hon. Member for Bath said, that the rights of the Canadian people were infringed by that Bill. If that were the case, it was the hon. Member's bounden duty to have opposed it at the time of its progress through that House; but if he were ignorant that such a Bill had been introduced, how could he account for his utter ignorance of the Parliamentary business of that House, with which he ought to have made himself acquainted; but it was his belief, that the hon. Member was aware of the progress of that Bill; and having received communications from Canada, stating that he ought to have opposed it, he now came down to the House and stated, that the Bill passed in a secret manner. He would take the liberty of telling the hon. Member for Bath, that his conduct as agent to the Legislative Assembly would be inconsistent with his duty as a Member of that House, if, instead of endeavouring to settle the unhappy differences which existed between the mother country and the colony, he made use of language only calculated to throw additional difficulties in the way of adjustment.

Mr. *Hume* said, that his hon. Friend, the Member for Bath, was no more to blame than he was himself, that the Bill alluded to by the hon. Member for Worcester passed the House. His hon. Friend was not the agent of the Assembly of Lower Canada during the passing of that Bill. The Legislative Assembly of that province claimed to have the management of all the revenues raised in it which was conceded to them by the Constitution of 1792. But these revenues were withdrawn from their control, and were distributed at the sole pleasure of the Colonial-office, without any control over such expenditure by the House of Commons, or of the colony in which they were raised, and for whose advantage they ought to be laid out. These revenues had been jobbed, and were now jobbing, for jobbing he would call it, since the House had no control over the distribution of the money, and this was the grievance of which his hon. Friend had complained on behalf of the Canadians. He entirely agreed in the sentiment expressed, that the Government was bound to hear both parties; but it was not dealing out even justice to admit to an audience an agent who represented 75,000 persons, while the representative of 450,000 was refused one. Mr. Visier could obtain no audience either from the noble Lord (Lord Stanley) or from the right hon. Gentleman (Mr. Spring Rice) during his administration of the Colonial Department. For his own part, he did expect, and he prepared the people of Canada to expect, that justice would be done them by the right hon. Gentleman, and he did think that the time had arrived when their complaints would meet with the attention they deserved. But he would repeat for the twentieth time, that the differences which divided this country and the colony, would never be appeased till we gave to the people of Canada the entire managment of their own funds, raised from the taxes which they paid themselves. Was it to be expected that a separate Legislature should be denied that control over their expenditure which we were about to give to every petty Corporation in the country? If the Government acted towards the colony in the same spirit which they had exhibited towards the Corporations, nothing would be heard from the shores of Canada but thanks and congratulations instead of bitter complaints and defiance. But when 31,000*l.* of their money was taken out of their chest, contrary to their own wishes and desires, and applied to purposes which they did not sanction, it was not to be wondered at that their complaints should be both loud and constant.

Mr. *Labouchere* was so sensible of the great mischief which resulted from allowing charges and assertions, such as had been made, to go forth to the colony, particularly in a state of great excitement, without contradiction, that he would, with the leave of the House, make a few observations in reply to what had fallen from the hon. Member. The 31,000*l.* to which the hon. Member for Middlesex had referred was taken out of the military chest, which belonged to the people of this country, and although it was a proper subject for the consideration of the House how far the Government was justified in dealing with that sum as it had done, it was not fair that it should go forth to the people of Canada that the money which the Government of this country thought it their duty, under all the circumstances of the case, to advance for the Officers of the colony, to prevent its affairs becoming embarrassed, belonged not to this country, but to them. He had no doubt that his right hon. Friend, the Chancellor of the Exchequer, who advised that that advance should be made, would be quite ready to defend the policy of the Government whenever the question came regularly before the House for discussion. With regard to the charge made that the agent of one portion of the inhabitants of Canada was admitted to an audience, which was refused to the representative of another portion, he could assure the hon. Member that, to his own knowledge, Mr. Visier had most frequent and constant opportunities of having access to the Secretary for the Colonies. Mr. Visier told him (Mr. Labouchere) the last month he was in England—or at any rate the last month in the last Session—that he had most frequent and constant opportunities of access to the Colonial Office. He could not help addressing a few words to the hon. Member for Bath. He did not know whether the hon. Member gave him credit for a desire to reconcile the differences between the colonies and the mother country, but he would say this—that according to the humble measure of his abilities, he had never neglected to use his best endeavours to procure a satisfactory adjustment. He would ask the hon. Member for Bath, dispassionately and seriously, whether the course he had adopted to-night, and on another occasion not long ago, was the best he could follow? It was throwing the most serious impediment in the way of any Government to make such statements as the hon. Member had made. He could assure the House, that great obstacles to the adjustment of the matters in difference had been thrown in the way of Government. As an instance, he would mention this fact; the Committee which sat in the last Parliament on the affairs of Canada received evidence of a very remarkable kind, which they deemed it highly dangerous and inexpedient to publish. To his great surprise he had received a file of papers from Canada containing all this evidence, and he referred particularly to that given before the Committee by Mr. M'Kinnon, Lord Aylmer's confidential agent, and by Captain Stewart, his military Secretary. He was most unwilling to impute such a breach of faith and of honour to any hon. Member of the Committee, but he could not help saying that this evidence had found its way into the papers of Canada, owing to the unguardedness of some Member of that Committee. He advised the hon. Member for Bath to take care that in uniting himself with some parties, his endeavours, instead of reconciling, did not tend to keep up the unfortunate differences between this country and Canada.

Mr. *Roebuck* observed, that he gave hon. Members opposite the credit of having good intentions, and he hoped he should have the same credit given to him. He was not an anarchist; he had no desire to separate the colony from this country, but because he was desirous of stating what he knew to be the truth, and to instruct the House in a matter of which they were ignorant, and the truth happened to be unpleasant, the House visited him with their displeasure, instead of reserving it for those who had given occasion to the complaints which he had preferred. The hon. Baronet (Sir G. Grey) had intimated his doubts whether he (Mr. Roebuck) had enjoyed the confidence of the late Government. He certainly had not, and he could assure the hon. Baronet that he had no desire to cultivate the confidence of the present Administration. He had, however, never complained of Lord Glenelg; he had received from him all the courtesy he could shew, nor did he complain of discourtesy at the hands of the noble Lord who formerly filled the same office: but that he had not attended to the wishes of the colony. As to the publication of the evidence given before the Committee on the affairs of Canada, he had stated over and over again, that so far from having communicated any of the evidence to the parties who published it, he had told the parties who had obtained possession of it, that the publication of it would be contrary to good policy and propriety. He had certainly quoted some parts of the evidence, but those were generally known.

Mr. *Labouchere* entirely acquitted the hon. Member of any intentional design to publish the evidence.

Sir *Robert Peel* wished to ask the hon. Baronet if the Commission was complete.

Sir *George Grey* said it was, and that it would appear in the first *Gazette*.

Sir *Robert Peel* asked if there was any intention on the part of Government to lay before the Parliament, during the present session, information of the course intended to be pursued with respect to Canada. There might be objections to communicating the instructions that were given by Lord Aberdeen to Lord Amherst; but he wished to know if it was meant to communicate to Parliament in the course of the present Session what were the points upon which it was expected a settlement could be accomplished by Lord Gosford, in his capacity of Governor of Canada, distinguishing those points from the points on which it would be likely further inquiry might necessarily have to be made?

Sir *George Grey* said it was impossible to answer the question of the right hon. Baronet without in the first place knowing when it was likely the Canadian Assembly would meet; and, secondly, without knowing how long the present Session of the British Parliament would continue. He thought the information asked for ought not to be made public till Lord Gosford had had an opportunity of communicating officially with the Canadian Assembly. It was possible that after Lord Gosford had had that opportunity the communication might be laid before the House of Commons during this Session.

Sir *Robert Peel* said, he should deprecate that event most sincerely. He quite agreed that the first communication of the intention of the Government ought to be made by Lord Gosford to the Canadian Assembly; but, after that had been done, he could not see the necessity of delaying the information to the House of Commons till after a correspondence had been received from the Canadian Assembly.

Mr. *Hume* wished to ask who were the other Commissioners?

Sir *G. Grey* said Sir C. Grey, who had been for many years Chief Justice of Calcutta, and Captain Gipps, late private secretary to Lord Auckland.

Petition to lie on the Table.

Church of Scotland.] Mr. *Andrew Johnston*, in rising to move an Address to the Crown relative to Church patronage in Scotland, regretted that it had fallen to his duty to introduce the subject he had then to bring before the House. It was a question of great importance to the people of Scotland, and had excited great attention there for many years past. It would be in the recollection of the House that last Session a Committee was appointed which laid a Report upon the Table containing information exceedingly necessary in order to enable English and Irish Members to form a correct notion of what the people of Scotland were then claiming on behalf of the Constitution of their Church. Many Gentlemen connected with the Bar were examined before the Committee, and among others one well known as an historian whose large experience in the history and the Constitution of the Courts in Scotland was thus made available to the Committee on that occasion. The Report consisted of about 500 folio pages. Owing to a difference of opinion in the Committee, which had placed them in a condition not to present a Report before the close of last Session, it was determined to bring the whole matter under the consideration of the House: and it now fell to his lot to introduce a Motion following up the intention of that Committee. He was aware that English Members especially might conceive that he held doctrines which might infringe upon the rights and privileges of the Church of England. But if those hon. Members would take the trouble of looking into the evidence taken before the Committee they would find from the Constitution of the Church that it was quite different from that of the Church of England, and in bringing forward that question, he thought he stood upon sure ground when he stood upon the Constitution of the Church of Scotland. That Church declared that there was in every congregation, the right to elect its own Minister. That the State did not recognize that principle he was aware. But for a century and a half that Church never ceased to bring forward its Constitution on every special occasion and to urge its claims on the Scottish Parliament: and in 1649, it succeeded in procuring the recognition of the valuable principle, that the State should not interfere in things regarding the Church, however much it might interfere with regard to the support of that Church. It might be objected, perhaps, that at the time when that Act was passed, it was a period when republican doctrines were about the country; and certainly it was a period over which many who heard him would be glad to throw a veil. However, the Act was passed at that time by those who supported Charles 1st, in his attempts to gain the Throne, and were most friendly to his son Charles 2nd. After the Restoration, the efforts of those Reformers were met by duplicity and falsehood. No sooner did those Monarchs find themselves in secure possession of the Throne than they procured the rescinding of that, and many other valuable Acts, and restored Episcopacy in the Church of Scotland which from that period to the glorious Revolution of 1688, remained in that situation. The first proposition which the Prince of Orange assented to, he having previously recognized the principles of the celebrated "Claim of Rights," was one, on which the Scotch Reformers insisted, that "the power of lay-presentation to Churches had been terribly abused, and that it was inconvenient to continue it in that kingdom." King William kept his promise, and in the first Parliament which met in Scotland, Episcopacy was abolished, and an Act was passed which though it did not go so far as that of 1649, went in a great degree to ameliorate the Constitution of the Church of Scotland. The preamble stated, that it was inexpedient to continue the system of lay-patronage; but at the same time, provided that a sum, considerable then, of 1,000 marks, should be paid to every layman deprived of patronage, declaring it to be compulsory on the part of the Heritors in every parish in Scotland. No doubt that few parishes availed themselves of the privilege, but the House would observe that the payment at that time was compulsory simply on the Heritors, not on the people. Many of those Heritors were patrons themselves, and Episcopalians, and therefore had no particular interest in abolishing the patronage. That state of the law continued till after the Union between the two countries. That the system of 1649 worked well might be learnt clearly by reference to the History of the reverend Dr. M'Cree. At the Union, the people, being zealous of the rights and privileges of the Crown, took care to pass an Act which declared that the Church of Scotland was to stand unaffected by that measure. The Ministry of Queen Anne, being anxious to pave the way for the Restoration of the exiled family of Stuarts, endeavoured to procure means by which clergymen might be forced on the people of Scotland so far favourable to their opinions in order that the influence of the Church might be exercised over the people in furtherance of their views, and the Act of Queen Anne which he sought to repeal was the fruit of their intrigues. It came upon the people of Scotland by surprise, so that it was not till the Bill was going through the House of Lords, that they had an opportunity of being heard by Counsel at the Bar of that House against the measure. Then they were unsuccessful, and the Bill passed by a great majority, though it should be recorded to their honor that five Bishops voted against it. Many eminent authorities indeed had given it as their opinion that there was in that Act no infringement of the Articles of Union. But, it must be admitted, that the Assembly of the Church of Scotland at that period were better able to know what rights were guaranteed to them by that measure than any of those gentlemen. For twenty years, by reason of the strong resistance of the Church, no lay-patron came forward to assert his claim in the unqualified degree in which by the Act he might have done. But the Church did not long retain its high and independent spirit, for about the year 1732 the Church in a great measure gave way, and a secession arose at that period which had gone on since and now existed in that country, flourishing in numbers and of great respectability. Subsequent to that period, Principal Robertson, the celebrated historian, had obtained the management of the General Assembly, and he defered to the claims of the Crown to regulate the Sessions of that Assembly and threw completely into the shade the rights of the people. From that period, therefore, the Church continued in a state of great apathy till about ten years ago, when an association formed in Glasgow became greatly useful in directing the attention of the people of Scotland to the subject. The founder of which association was a person whose name need only be mentioned to ensure respect, Dr. Andrew Thompson. He would not detain the House by re-uttering the evils which had arisen from the system of lay patronage in Scotland; they had been great and numerous, making the Church contemptible in the eyes of her own congregation, and if she had not been, humanly speaking, preserved by the purity of her doctrines, he believed she would have ceased to exist in the course of the last century. He would only advert to the melancholy period between the beginning of last century and the beginning of the present century, during which the Church was under the dominion of what was called the "High Church party," whereby every difficulty was thrown in the way of the exercise of the people's rights, and ministers were often inducted into their livings at the point of the bayonet. That state continued so long that heretical doctrines were preached in many parishes, and had not an Act passed to restrain such practices, he believed the doctrines of the Church were very likely to have fallen into complete abeyance. Not the least of the evils of which he complained were those of the secession itself in regard to the Church. He felt great gratitude to the seceders, inasmuch as they had provided church accommodation for many of those persons the State had refused or neglected to provide. That body comprehended now between 500 and 600 congregations, and within the last few years the evil had been fully developed, and the seceders had come forward in an attitude of hostility to the Church and there (it would be admitted even by those who differed from it) was a great evil to the Church which otherwise would not have existed. Again the character of the Clergy was deteriorated. Instead of the parishes receiving them with gratitude and respect for the religious instruction afforded by these ministers, in many instances, they were forced upon the people who looked upon them consequently with indignation as intruders. The evils of the system were also great with regard to the candidates for holy orders, who, instead of endeavouring to make themselves, by study, fit for their sacred office, were much more anxious to become familiar with the lay-patron of the living, or the Home Secretary of the day; and he need not explain how injurious that must be to the Church. With regard to the people, the effect had been no less injurious, they had been led to secede from the Church and remain hostile to it, or else had sank into an utter indifference as to whether they belonged to any Church at all, for them the most dangerous state into which they could fall.

Mr. *Potter* moved that the House be counted.

The House was counted out.

HOUSE OF LORDS,

Friday, June 19, 1835.

MINUTES.] Petitions presented. By Lord BROUGHAM, from Perth, for Amending the Game-Laws; from the Glasgow, Radical Association, against the Bishops having seats in the House of Peers; from Flintshire, for Abolishing Imprisonment for Debt; from a Number of Places, for Church Reform, and against any further Grant of Money for Building Churches; from Glasgow, in favour of such a Grant, and for Protection to the Church of Scotland.—By the Earl of HAREWOOD, from Leeds, against the use of Spirits, and against allowing Beer to be drunk on the Premises of Beer-shops.—By Lord LYTTLETON, from Worcester, for the Repeel of the Duty on Newspaper Stamps.

EXECUTION OF WILLS' BILL.] Lord *Brougham* said, that two Bills of very great public importance, relating to the devising and bequeathing of real and personal property by will, lay upon their Lordships' Table—" The Execution of Wills' Bill, and the Executors Bill." They had been sent up from the Commons, and had been read a first time, and he hoped there would be no objection to his then moving the second reading, with a view to send them to a Committee up stairs. One object of the first Bill, the Execution of Wills' Bill, was to throw the protection of the law around the dying bed of those who had personal property to dispose of, and to prevent those undue practices which were sometimes resorted to by interested persons who wished to obtain the possession of that which did not belong to them, and which otherwise would pass to those who were better entitled to receive it. By the law, as it at present stood, a will devising Real Property must be signed by three witnesses, while a will devising Personal Property required no witness whatever. Now, it was proposed, that in all cases, whether with reference to the devise of real or personal property, there should be two attesting witnesses. It was thought that the protection of the law in that respect should be extended to the latter as well as to the former description of property, in order to prevent undue influence being exerted, in cases where personal property was to be devised. At present an individual might dispose of money to the amount of millions by a memorandum without witnesses. He had only to say, " I, John Nokes, bequeath so and so;" and it became a legal instrument. Such a state of things as this certainly laid parties open to the operation of interested and undue influence. This absence of all form had led to so many instances of undue influence and fraud, that Lord Hardwick, Lord Loughborough, and many other Chancellors, had expressed a strong desire that the provisions of the statute of frauds relative to real property should likewise extend to personal property. This was one of the first improvements recommended by the Commissioners who were appointed to inquire into the laws relating to real property, and the object of the measure now before their Lordships was, to render the execution of wills, no matter to what description of property they related, the same in all cases. According to the law as it stood at present, real property could not pass under a will unless it was attested by three witnesses, but an alteration was intended to be made in this respect. Two witnesses, it was thought, were quite sufficient to insure all that was necessary by way of security, and, therefore, after the passing of this Bill, real property would pass under a will attested by two witnesses, while personal property would not pass under a will which was not equally attested by two witnesses. At present it was by no means necessary that the subscription of the names of the witnesses should take place at the same period, although ordinarily the attestation by the witnesses took place " in the presence of each other." This Bill was meant to render that which was now the ordinary practice imperative, and such a rule he felt satisfied would be conducive of very great advantage, and prevent much useless and expensive litigation. These were the most important provisions of the Bill, but there were others wholly unimportant, but which might be more properly made the subject of investigation in the Committee. There was one point, however, which he wished particularly to notice. As the law now stood, if a person made a will, and afterwards contracted a marriage, and had a child by that marriage, it operated as a revocation of the will, on the ground that the will did not contain the presumed intentions of the testator, under the altered circumstances of the case, the law contemplating that he made his will under the supposition that he would die a bachelor. This was a matter which required consideration, and he had a doubt whether there was not another case that ought to be provided for. A friend of his, well known to many of their Lordships, made his will after his marriage, not being aware that his wife was *enceinte*, and died, bequeathing a considerable landed estate to his wife and sister. His widow was brought to bed some months after his death, and, consequently, that child, a posthumous son, was left wholly unprovided for. But the individual upon whom the property devolved, in the noblest manner gave up the estate to the boy. It was certainly not every day that such acts of extraordinary generosity were witnessed; the individual, however, in this case, did so voluntarily, and as if it were entirely a matter of course. The law, however, should not be framed on the calculation of the existence of such generosity, for, unfortunately, all men could not afford to practise—nor would all men think of practising it. There were only two other matters contained in this Bill to which he should think it necessary to call the attention of their Lordships; the first was, regarding the execution of powers. This Bill proposed to enact that appointments by will should be executed like other wills, and be valid, although other solemnities required were not observed. This was a part of the measure with respect to which he entertained considerable doubt; for it appeared that it was rather strange to say there should be a total disregard of the law as to other solemnities required to be observed in the execution of powers of appointment. This alteration was founded upon a recommendation contained also in the Report of the Commissioners, but in which he must say he did not entirely concur. The last point to which he should refer regarded alterations of wills. The Clause enacted, that no alteration in a will should have any effect, unless executed in the same manner as the will, and the names of the witnesses were written by them on the margin. At present this might be done by the same witnesses, or any other, and the clause was not exactly clear on this point; it was not, however, a very material one, and might easily be made sufficiently clear in the Committee. The noble and learned Lord, in conclusion, moved, that the Bill be now read a second time.

Lord *Abinger* thought that no alteration in laws relating to the transmission of property should take place without full and mature deliberation. It was not at all improbable that it would be expedient to adopt some of the suggestions contained in this measure; but then there were others to which strong objection might be taken, and for his own part he should prefer adhering to the Statute of Frauds, of Charles the Second, which rendered three witnesses to a will passing Real Property necessary, than adopting the proposition that two, or any other number, should be sufficient. The present practice of requiring the attention of three witnesses in all such cases had all the advantages of long-established usage in its favour, and for his part he should be unwilling to alter the law as it stood in this respect, unless it were shown that it was disadvantageous or inconvenient. Without some evidence of this sort any alteration would be inexpedient; and, as regarded personal property, he could not help thinking that a will, or testamentary paper in the hand-writing of a deceased person, was quite as indicative of his intention and wishes as if it had the signatures of two or any other number of witnesses to it.

Lord *Brougham* said, that an exception in favour of such documents would be made, and he proposed to introduce an Amendment to that effect, into the Bill.

Lord *Abinger* said, at all events, it was necessary that their Lordships should deliberate well before they passed a measure of this importance. Even his noble and learned Friend himself had doubts respecting some of its enactments, and that being the case, he did not think they would be acting rightly if they passed the Bill through the present stage without ample and deliberate discussion.

Lord *Brougham* begged to assure their Lordships that he was most anxious the measure should receive the fullest deliberation possible, and for that purpose, if their Lordships would allow the second reading to pass now, he would, instead of going into a Committee of the whole House, at once move that it be referred to a Select Committee up stairs, in order that every provision contained in it might be thoroughly and satisfactorily investigated.

The Earl of *Malmesbury* thought, that a Motion of so much importance ought not to have been brought forward without notice, and, for himself, he must say, that there were provisions in this Bill of which he did not approve.

Lord *Denman* fully agreed that no alteration of the law on this subject should take place without the fullest deliberation. He certainly was favourable to the principle of the Bill, but he, at the same time thought that discussion on the subject was necessary, if it were only for the purpose of making it known to the whole of the King's subjects, in order that they might understand what the alterations were which it went to effect. This was one of those measures which had proceeded from the recommendation of the Commissioners appointed to inquire into the state of the law relating to Real Property. It had been in the House of Commons for more than one Session, and now came up from that House without any opposition having been offered to its progress; so that it was important their Lordships should give it no unnecessary delay. His noble and learned Friend (Lord Abinger) had expressed his readiness to adhere to the Statute of Frauds rather than adopt the change proposed to be made by this Bill; but did his noble and learned Friend forget the ruinous litigation which complying with the provisions of the Statute of Frauds gave rise to, and the little comparative security which it afforded to property? Now, surely, the attestation of two persons was quite a sufficient guarantee in cases of wills. He had a strong feeling in favour of the Bill, and he begged to press it on their Lordships that delay should be avoided. He thought therefore that the better way, perhaps, would be to adopt the course suggested by his noble and learned Friend (Lord Brougham), and refer the Bill to a Committee up stairs for full investigation.

The Earl of *Malmesbury* said, he could assure their Lordships that it was not his desire to give any delay whatever to the Bill; but he did think that, under all the circumstances, the Motion for reading it a second time should be deferred, say to Monday next. He certainly was averse to the change which the measure proposed.

Lord *Brougham* admitted that the course he had taken in bringing forward such a Motion, without due notice, was irregular. He admitted that, and had been induced, however, to propose it to their Lordships in order that he might introduce some Amendments in the Bill. He could have no objection as their Lordships disapproved of the course, to adjourn the subject till Monday.

The Second Reading postponed.

PATENT LAWS.] Lord *Brougham* brought up the Report of the Committee on the Patent Laws Bill, in which they proposed certain Amendments. The noble and learned Lord then moved that the Bill with the Amendments be printed and referred back to the Committee for further investigation.

Ordered.

CONSPIRACY IN IRELAND.] The Earl of *Roden* said, that he had a Petition to present of an important and serious character, and he could assure their Lordships that the subject to which it related was one that was well deserving of the attention of every Member of that House, more especially of the noble Lord at the head of his Majesty's Government, whom he was glad to see in his place. The petitioner was a gentleman of high respectability, moral worth, and great intelligence, and one who had frequently given important information respecting Ireland, to their Lordships' House and the country. The reverend Sir Harcourt Lees was the individual from whom this petition proceeded, and he stated, that he was prepared to prove on oath at the Bar of their Lordships' House that a conspiracy now existed in Ireland, having for its object the overthrow of the Protestant religion in that country. The noble Lord then read the petition, which was as follows:—

"TO THE LORDS SPIRITUAL AND TEMPORAL IN PARLIAMENT ASSEMBLED.

"The Petition of the reverend Sir Harcourt Lees, of Black Rock, in the county of Dublin, Baronet, most humbly showeth,

"That Petitioner has, in successive petitions presented to Parliament, endeavoured to convince your honourable House that a dark and mysterious joint Radical and Romish conspiracy, originally planned by the Jesuits, was silently but maturely progressing in Great Britain and Ireland, in close connection with foreign revolutionists, the ultimate design of which was (as it related to these islands), through the medium of treasonable associations, to effect the overthrow of the Established Church and Monarchy of the empire, the separation of Ireland from Great Britain, the total extermination of the Protestants in this portion of the United Kingdom, and the paramount and permanent establishment and ascendancy of the superstitious, intolerant, and sanguinary tenets of the Church of Rome in Ireland.

"That, under the same unalterable conviction, founded upon, perhaps, a more perfect and profound knowledge of the entire machinery of the Papal system and Ecclesiastical constitution, with the whole of their politico-religious treasons in the British Isles for centuries past, than most individuals of the present age, your petitioner considers it to be his imperative, though most painful, duty, in order to save the nation from contemplated destruction, to re-assure your honourable House that he has in his possession information on oath, as well as other documents, to be supported by living evidence, containing matters of the most awful importance to the security of the State.

"That it appears from the testimony of these witnesses, and also from sworn information in possession of petitioner, that certain individuals of great weight and influence have been for a considerable time past intimately acquainted with the revolutionary designs contemplated by the leading conspirators in both countries, against not only the vested rights and property, but against the very existence of our venerable Church Establishment, as well as against the connection between Great Britain and Ireland.

"That petitioner will conclude by imploring your honourable House to adopt immediately the most advisable and summary mode in your power to enable you, and, through your investigation, a fatally deluded people, to arrive at a perfect knowledge of the details and ultimate object of a dark and mysterious conspiracy, originally framed by the Jesuits and Romish hierarchy, that, if not probed to the bottom and crushed, will inevitably terminate in the destruction of all lawful Government, through a sanguinary civil war. And he further earnestly, most humbly, and solemnly prays, that if the charges contained in his petition should be satisfactorily established on a Parliamentary investigation, your honourable House will afford protection to the Established Church, and permanent security to the Monarchy and liberties of the United Empire by the instantaneous adoption of a Legislative measure excluding from Parliament and the Councils of the nation a sect, the essential principles of whose politico-religious system ever has, as all history lamentably proves, pledged them, and ever must pledge them, to struggle for the erection of Papal ascendancy over the Protestant institutions and Monarchy of these realms. From a full persuasion of the truth and awful importance of all he has asserted your petitioner reiterates his prayer for the repeal of the Roman Catholic Relief Bill, passed in the year 1829.

"And petitioner, as in duty bound, will ever pray."

He had the pleasure, the noble Lord continued, of the acquaintance of the reverend Gentleman whose petition this was; and, although he might consider Sir Harcourt Lees, a little too hasty and wild in some instances, he knew that many of his predictions had come to pass. From what he (the Earl of Roden) knew of Ireland, he was prepared to believe that such a conspiracy as the petitioner alluded to actually existed, and that if it were not speedily arrested that country must finally be overwhelmed with misery and ruin.

Petition laid on the Table.

HOUSE OF COMMONS,

Friday, June 19, 1835.

Minutes.] New Writ issued. A New Writ was ordered on the Motion of Mr. E. J. Stanley, for Bury St. Edmond's, in the room of Lord Charles Fitzroy, Chamberlain to his Majesty's Household.

Bill. Read a third time:—Capital Punishments.

Petitions presented. By General Sharpe, from the Hand-loom Weavers of Sanquhar, for a Board of Trade.—By Sir George Crewe, from the Clergy of Matlock, for Protection to the Protestant Church of Ireland; from Belper, for a Clause in the Western Railway Bill, to prevent Sunday Travelling.—By Mr. Pryse Pryse, from three Places, for the Better Observance of the Sabbath.—By Mr. Serjeant Jackson, from Cork, against any further Grant to Maynooth College.—By Mr. G .J. Heathcote, from Hawley, for an Inquiry, into the Operation of the Slavery Abolition Act.—By Mr. Ingham, from the Ship-owners and others of South Shields, against any Alteration in the Timber Duties.—By Dr. Bowring, from the Unitarians of Bath, for an Alteration in the Dissenters Marriages' Bill; from Port Glasgow, against any Alteration in the Timber Duties.—By Mr. Gillon, from Falkirk, against any further Grant for Building Churches in Scotland.—By Messrs. Ridley Colborne, Bowring, and M'Cance, from several Places,—for the Repeal of the Duties on Newspaper Stamps.—By Mr. Plumptre, from several Places, against compelling Soldiers serving in Foreign Countries to attend Roman Catholic Church Ceremonies; from Northbourne, for Relief to the Agricultural Interest, from the East Kent Agricultural Association, to the same effect; from Margate and Ramsgate, against the Duty on Spirit Licenses.—By Sir Eardley Wilmot, from Birmingham, against Drunkenness, and for Legal Measures to prevent it.

Factories Act.] Mr. *Brotherton* rose to present a Petition from an individual of the name of James Turner, residing at Manchester, complaining of certain practices connected with the Factory Bill, and which he was confident the House, when informed of them, would be of opinion ought to be dispensed with. It would be in the recollection of the House that an Act had passed two years ago for regulating the labour of children in factories. That Act required that no children under eleven years of age should be employed in factories, without producing a certificate of a surgeon, to prove that they were of a proper age. The surgeons, it appeared, were empowered under the Act, to charge sixpence for each certificate they gave. A practice had obtained of requiring the children to produce certificates every time they changed their employers. This he conceived to be a very injurious practice, and, generally speaking, it was so considered—for his part, he thought it also a very unjust one.

Mr. *Mark Phillips* considered that the matter complained of was a very great hardship on the poor people. He had never expected that the Bill would give satisfaction to the class of people for whom the House was legislating, and he now regretted much that he had been so true a prophet. The House would surely think that the payment of the 6*d*. was indeed a hardship upon people whose average earning did not amount to more than 3*s*. per week—it actually operated as a preventive on the poor children from going from one employment where work was scarce to that of another master. He was sorry that the petitioner had not pointed out some means whereby the money for the certificates might be furnished, in case the House should consider it necessary to retain that clause. The matter was well deserving the attention of the House.

Mr. *Hindley* was also of opinion that the matter was well deserving the interference of the House, because in many cases he thought the inspectors had far exceeded their duty. One of them, Mr. Richards, who was in the populous district of Manchester, had laid down a rule, whereby he had appointed one hundred and fifty surgeons, from whom only he would receive certificates. He had also made it imperative upon boys or girls of sixteen years of age who changed their employment to produce a certificate; and yet if, from any cause, they were within the month again to change they must again produce a fresh certificate, which made such a patronage as the appointment of surgeons valuable. In his report that gentleman stated, as his reason for always requiring fresh certificates, that the children were much in the habit of changing from one master to another, and he thought the tax would have the effect of making them more steady; but he doubted whether the Bill gave him any such powers. The hon. Member for Manchester regretted that a remedy had not been suggested; but the amendment of the Act of last Session which he intended to propose would be a remedy. If some limitation were not fixed as to the age at which children should be employed in these factories, the relief the House was anxious to afford them would not be obtained. He had been told by a respectable manufacturer in Manchester, that even if a child was under ten years' old the surgeon would grant a certificate that the child was twelve years if the manufacturer said that the child would be useful to him. He was determined, when the estimate for the payment of the inspectors was brought forward, to oppose it until their reports, which he had frequently moved for, were laid upon the Table.

Mr. *Aglionby* bore testimony to the respectability of the petitioner and should most cordially support any measure of the hon. Member opposite for the relief of the working classes.

Petition laid on the Table.

MAYNOOTH COLLEGE.] Mr. Sergeant *Jackson* presented a Petition from several hundred inhabitants of Cork, praying that no further grant of public money might be allowed for Maynooth College. The petitioners complained that the interference of the Roman Catholic Clergy had done away with all freedom of election; and that the Roman Catholics of Ireland were well able to support that establishment, as they paid in voluntary contributions to one man more than would support the College twice over. The clergymen educated at Maynooth by the public bounty were not at all the most efficient promoters of peace and good will among the Irish people, for it was a notorious fact, of which every day's experience furnished lamentable illustration, that they turned their chapels into political arenas, and used their pulpits as rostra from which to spout the most inflammatory doctrines to their misguided and credulous flocks—in fact, English gentlemen could form no adequate conception of the extent to which the priests carried the agitation disturbance. Everything English and Protestant was the subject of unceasing, and unmitigated attacks by the present race of priests educated at Maynooth. At every election they were the busiest agents, and the greatest promoters of disturbance.

Mr. *O'Dwyer* said the Protestant Clergy interfered much more, and more mischievously, at elections than the priests.

Mr. *Shaw* denied that there was any comparison between the two bodies. The Roman Catholic clergymen proposed and nominated candidates, and dragged the freeholders to the place of polling in a manner which, if it had been done by Protestant clergymen, he should consider most disgraceful. The Protestant clergy, no doubt, exercised the right of suffrage, but then they did not go beyond the pale of that right, and become the stimulators to outrage and violence. Look to the conduct of the Catholic clergy that week in Carlow; they were there found proposing and seconding the candidates, and, not content with that, they were exerting all their influence their station and calling gave them in marring the independence and purity of election by coercing the will of the electors, and goading on the populace to violence and outrage. Their power, if not checked, would supersede the power of all law and Government, and spread general confusion and discord throughout the country.

Mr. *O'Connell* took the liberty of saying that the statements of the right hon. and learned Gentleman were totally false. It was true that Catholic Clergymen had spoken at elections, and seconded the nomination of candidates; for instance, one of them seconded Mr. Vigors. a Protestant Member. Their speeches were printed and published, and it would be seen that they did not deserve the character given them by the correspondents of the right hon. Gentleman as to their existing violence. Were there not many persons in Ireland who would be ready, and were exceedingly anxious for opportunities, to prosecute them, if they said one word that would make them liable? But their protection was, that they carefully avoided violating the law, while, as men and citizens, they exercised that right to which they were entitled. But, on the other hand, there was violence used against the Catholics by the Orange party, particularly in one county, for no other reason than because they were Catholics. Was the right hon. Gentleman aware that almost all the Protestant clergy interfered with elections? [" *No, no*."] He would tell them of one case where they did, and he could mention names if he chose. Mr. Mahony, of Dromore. But he utterly denied the charge against the Catholic clergy.

Mr. *Shaw* would call the recollection of the House to a recent occasion, on which the hon. and learned Member made the same assertion respecting other correspondence which he (Mr. Shaw) had received. The hon. and learned Member then as confidently asserted as he did now that his (Mr. Shaw's) information was false. The hon. and learned Gentleman was ever ready with his confident assertions, which were afterwards disproved. But what was the result in the case he alluded to when inquiry was made? He would leave that to the judgment of the House. [Mr. *O'Connell:* What case do you allude to.] The case of David Murphy.

Mr. *O'Connell* said, he would deny that his assertions were disproved in that case. Mr. Shaw's own documents did not substantiate his former accusation.

Mr. *Shaw*—I leave that to the judgment of the House and the country.

Petition to lie on the Table.

Tithes (England).] Captain *Pechell* rose pursuant to notice to present a Petition from Samuel G. Pechell, Esq., a Captain in the Royal Navy, and farming his own land in the county of Hants, complaining of the vexatious proceeding of his vicar, the Rev. Thomas Cook Kemp and praying for a speedy Commutation of Tithes. The hon. Member begged to state that in the remarks he might feel it to be his duty to make, he did not intend to convey any censure on the clergy generally, but to show the necessity of altering the present law of Tithes. He then went on to say that he should request the indulgence and favour of the House while he recapitulated some necessary details. As it could not be supposed that he should be very familiar with this subject, he trusted the kindness of the House would be extended to him. It appeared that in 1826, the Rev. Thomas Kemp entered on his vicarage, and immediately gave notice that all compositions for Tithes should cease, the petitioner's composition at the time being 19*l.* 9*s.* 6*d.* though only valued at 7*l.* 19*s.* He had therefore been paying 11*l.* 10*s.* 6*d.* more than the value, which composition however he was still willing to continue to the new vicar, knowing how essential it was to keep on a good footing with the clergyman, as well on his own account, as being a Magistrate for the common benefit of society. The reverend Gentleman however refused the old composition and actually proposed an increase of 20 per cent, which was of course refused by the whole parish. The vicar then commenced a series of vexatious proceedings in tithing hay and grass, and positively made no distinction between the grass cut daily for the use of the husbandry horses, and the grass cut for other purposes. At last a claim was set up for the tenth acre of all turnips grown on the farm, which being for the depasturing of the sheep, could not be tithed. This claim was resisted because the tithe of agistment for the sheep fed on those turnips had been tendered. The vicar then proposed to bring a friend to settle all differences; and this Friend actually turned out to be his own solicitor, who took advantage of the unreserved conversation of the petitioner, the consequence of which was, that a notice was soon served on him of a suit being commenced in the Court of Exchequer for the tithes of turnips generally, and the vicar refused to make any specific demand which might have been settled either by arbitration or before two justices. The trial however proceeded, the claim for turnips generally was abandoned, but the tithe of turnips that had been pecked up in advance of the fold was demanded. The custom of the country and the common practice is to peck up the turnips to prevent any damage to the flock by the turnip-greens and to prevent them from running to seed. The turnips in this case were pecked up or hoed in the part of the field not hurdled off but which was in the course of being so hurdled; and even part of the flock had access to the whole field. But the Chief Baron decided that because the entire flock had not access at the time of the pecking or hoeing the turnips so pecked up, they were liable to tithes, thus drawing a line beyond which turnips could not be hoed or pecked. Chief Baron Lyndhurst said the turnips might be pecked in the rear of the fold, but not in advance of it. Now was there ever anything so absurd as this and so very injurious to the system of turnip cultivation? If these turnips had been severed and removed from the spot either for sale or for feeding cattle and cows in a yard, then the vicar was clearly entitled to his tithe, and such could be easily set out. But how was it possible to set out the tithe of turnips hoed up and left on the spot for the sheep which already had had access to them? Therefore no distinction is made between turnips pulled up for sale and those left on the ground for depasturage. Here therefore is a case in which the vicar gets the tithes of all sheep fed on the turnips and sold before the shearing time, as well as the tithe of all lamb and wool and the benefit of the manure produced on the ground for the succeeding crop. It appears that the Chief Baron confounded this case of pecking up the turnips for feeding the flock on the spot with those cases decided 120 years ago of turnips removed for sale. It is well known to many hon. Members connected with country affairs that formerly turnips were only grown on the richer soils and were removed either for sale or for feeding in yards and stalls; but that in the modern system of cultivation the turnip crop has been adopted on very poor and inferior soils which were thereby prepared for a crop of corn. Now he contended that it was practically impossible to set out the tithe of turnips intended for depasturage; and he defied the Chief Baron and all the Barons of the Exchequer to point out how the object could be attained. He even defied the hon. Member for Durham (Mr. A. Trevor), whom he did not at this moment see in his place and who had been designated as the conduit pipe for conveying the opinions of the clergy, to shew how this was to be effected. It was well known that clover and grass cut for husbandry horses is exempt from being set out for tithes on account of the difficulty; and it is here decreed that no difficulty exists in setting out the tithe of turnips. Here, then, the right of tithe depends on the difficulty or facility that may be urged in setting it out. He could assure the House that this case need never have occurred had the vicar agreed to the old composition which was 11*l.* more than the value of the tithe; but instead of taking to the valuable composition of his predecessor, he ventured to demand an increase of 20 per cent, when it was well known that the price of agricultural produce, depreciated as it was, would not authorise any such increased demand; and notwithstanding the unfavourable decree of the Court of Exchequer, the petitioner would not at this moment have approached the House but for continued threatened proceedings on the part of the vicar, should the petitioner venture to peck up his turnips. The petitioner had invested his capital in farming land, and he now found himself impeded in his pursuits by the conduct of the rev. Gentleman. He would now proceed to shew the consequence of the petitioner's not submitting to the imposition of 20 per cent on an already overcharged composition, by stating that the petitioner was decreed in the costs of the suit for the claim of turnips pecked, which claim amounted to 3*l.* 6*s.*, though valued at no more than at 30*s.* He would now just state the items, and he was thereby enabled to make mention of the honourable conduct of the solicitor and counsel for the petitioner, who viewing the injustice of the case had acted gratuitously, only charging expenses out of pocket.

Plaintiff's costs were reduced on taxation from 250*l.* to - - - - -	166	2	5
Paid a Commissioner - - - -	38	10	0
Tithe of turnips claimed - - -	3	6	0
Plaintiff's (the Vicar's) demand - - -	207	18	5
Petitioner's (the defendant's) Solicitor's bill - - - - - - - - -	110	10	6
Total paid - -	£318	8	11

for the demand of 66*s.* Tithe of turnips valued at 30*s.* that had been pecked up in advance of the fold, and which being under 10*l.* might have been settled out of Court. Capt. P. then read the petition, which prayed for a speedy and compulsory Commutation of Tithes.

Mr. *Estcourt* felt obliged to say, that he could not think that the case had been fairly stated. It was impossible that the reverend gentleman would have run the risk of expending upwards of 200*l.*, for the purpose of recovering the trifling sum of 3*l.* 6*s.* if he could have gone before a magistrate. The only object of the petition appeared to him to be to show the hardship of the proceeding in the Court of Exchequer, and to lay before the House the fact of the Lord Chief Baron having taken a wrong view of the matter. If such were the object of the petition, it was properly enough brought before the House. If such were really the intention the House would take time to consider of the case before coming to a decision. He, for one, was inclined to believe in the law of the Lord Chief Baron, in preference to that of the gallant officer. He had no doubt but that the clergyman had been driven to take the course he had done.

The *Attorney-General* said, that it seemed to him a very proper petition to bring before the House, in order to show the state of the law of the land as it at present stood, and in order to induce the Legislature to alter it. He must protest, however, against that House being in any manner considered as a court of appeal from any of the courts in Westminster Hall. Though he differed from the opinions of the noble Lord who decided the case, still he was eminent for his learning and impartiality, and he had no doubt but the decree was made in strict conformity with the law of the land. In fact, the gallant officer had stated that the decision was founded upon other decisions of 150 years ago. It was to be borne in mind, that during that time there had been no alteration in the law, and the learned Baron was bound to take the law as he found it.

Mr. *Hume* did not understand the petition to be brought forward in the nature of an appeal at all, but for the purpose of showing the absolute necessity for a change in the law, which, as it now stood, obliged a party to incur an expense of near 400*l.* in the recovery of a paltry sum of 3*l.* 10*s.* It was all, too, for the support of the Church. Would any one say that tithes were to be appropriated to other than Church purposes? This suit was for the purpose of recovering tithes, therefore, for the support of the Church, which, in consequence of these iniquitous suits, had become a curse to the country. He trusted that the Ministry would not allow an hour to pass which they could possibly avoid before bringing in an alteration in he law in that respect.

Sir *Robert Inglis* thought it highly unfair to use a single case as the means of an attack on the clergy in general. Because a single instance of grievance was alleged, was that a fair ground for affixing a general stigma on the whole Church? Besides, it should be recollected that one-third of the tithes in England belonged to laymen, and if oppression was suffered in consequence of tithes, the whole offence was not chargeable to the Church. What was a clergyman to do if this tithe were not paid, but appeal to the law for redress?

Mr. *Gillon* looked upon the petition as calling the attention of the House to a scandalous oppression which, it appeared to him, had been practised in this case. The clergyman claimed tithes upon turnips grown in a field upon which the sheep fed, of whose fleeces he was afterwards to receive the tithe. A case of more gross rapacity was never witnessed. The legal profession had been accused of rapacity, but so great was the impression of the hardship inflicted in this case, that the counsel and solicitor acted gratuitously, and the rapacity was all transferred to the clergyman. He trusted that the House would soon pass a law for the commutation of tithes.

Lord *Sandon* thought it was rather hard upon individuals who had no opportunity of defending themselves, that they should be wantonly assailed in that House. In what other place but that did they find judges deciding upon the representation of one party, and reprobating those who had not even the opportunity of defending themselves? There was nothing more valuable than the right of petition; but there was no right which was so much abused in its being made the means of assailing the character of others. A tyrannical use was made of it; and there was nothing hon. Gentlemen should be more careful of than in their comments upon petitions which libelled the characters of those who were absent. Upon the face of the petition which had been presented the entire facts, it was evident, had not been stated. There must have been some motive beyond that of recovering 30*s.* to induce any one to go to an expense of 200*l.* What was the situation of the clergyman? He depended upon the payment by his flock of certain dues. In certain cases these were withheld, and if he enforced his claim, he was called an oppressor, and if he did not he might starve. Again he implored of hon. Gentlemen to be somewhat delicate in their attacks upon the characters of those who were not present to defend themselves.

Mr. *Arthur Trevor* protested against these attacks on the clergy in general as most unjust and undeserved. It was the duty of the Government to release the clergy from these annoyances, by securing to them a fair provision.

Captain *Pechell*, in reply, delared that he threw back all the insinuations levelled against himself and the petitioner, and though the hon. Member for Durham begged to enter his protest as usual, he (Captain Pechell) should also enter his against any interference that there was any thing contained in the petition which he was not prepared to prove. The case, unfortunately, was not a novel one; there had been petitions last year presented by the hon. Member for Hampshire, expressing the alarm felt by the occupiers of the parishes in the neighbourhood of the reverend Mr. Kemp, at the decree obtained by that reverend gentleman in the Court of Exchequer; and as due notice had been given to him as well as to the late Chief Baron that the petition now in his (Captain Pechell's) hand would be presented this day, there was no cause, at any rate, for saying an opportunity had not been afforded of rebutting the charges advanced against the reverend gentleman. This petition was not presented unadvisedly, and he assured the House that he would not have undertaken its advocacy had there been the slightest cause for suspecting even that there could be any concealed fact lying behind, as was assumed by the hon. Member for Oxford University. It was very clear that this petition was not an appeal from the decision of the Court of Exchequer, for its prayer was for a commutation of tithes. The Attorney-General had mistaken him in saying that this decree was founded on cases decided 150 years ago. What he said was, that the Chief Baron asserted that plaintiff's case was supported by concurrent decisions; but all the cases produced were decided "120 years ago, and were for turnips severed and drawn and removed either for sale or for feeding cattle and cows." This claim and annoyance for tithe of turnips, although unprecedented in this country, had been attempted in Spain; and singular enough was it that he should have discovered such a fact at this precise moment. In 1828, the Ecclesiastical Chapter of Saragossa demanded the tithe of turnips from the market gardeners, who resisted the imposition as illegal and oppressive; and the question was decided by the primary tribunal in favour of the gardeners. But mark what followed. It was brought before a higher court where the influence of churchmen prevailed, and the exaction was confirmed. The people, however, paraded the streets and blockaded the town, and cried "long live the king, and no tithe on vegetables." The Captain General, to put an end to the tumult, declared that the tithe should not be further exacted, and that the seizure should be taken off. The petitioner now placed his case in the hands of the House, suffering, as he was under the costs of the suit, which decided that no turnips could be pecked in advance of the fold, which law went forth into the country to the alarm of those who had flocks. Although it had been said that blood could not be obtained from a turnip, he trusted that this petition would be the means of drawing the attention of the House to this branch of the subject when the Tithe Bill came before it.

Petition to lie on the Table.

LORD ELIOT'S MISSION.] Mr. *Thomas Duncombe*, in moving according to the notice which he had given, for the production of papers relating to the Convention that had been entered into respecting the prisoners taken by either of the belligerent armies in the north of Spain, could not help observing that there was no similar instance in our Parliamentary history where foreign politics and the relations of foreign powers with this country had been so much disregarded—he might almost say totally neglected—as they had been during the present Session: therefore it was, that he was particularly anxious to call the attention of the House to the subject. He was satisfied that it would have a mischievous effect on the internal affairs of Spain, if the lips of Members of that House remained longer closed on the subject of the Convention. He lamented that he did not see in his place the noble Lord the Secretary for Foreign Affairs, and he regretted it the more particularly, for if there was one branch of foreign policy more than another in which the noble Lord had evinced a lively interest in the establishment of freedom abroad, it was in the conduct and opinions he had manifested with regard to the Peninsula, to the distracted state of which he (Mr. Duncombe) wished to call the attention of the House. When Lord Eliot and Colonel Gurwood were sent to Spain, he put a question to the noble Lord, then Under Secretary for Foreign Affairs, to ascertain whether the object of the mission was to promote or oppose Don Carlos in endeavouring to obtain the Crown of Spain? This question was asked in consequence of an observation made by the Duke of Wellington in a speech he delivered in August last year. On the occasion he alluded to, Lord Melbourne was asked respecting Colonel Caradoc being sent into the Peninsula, when that noble Lord answered, that the gallant Officer had been sent there, that the British Government might be more quickly as well as more accurately informed as to the state of affairs in that quarter. The Duke of Wellington then observed with respect to the mission of Colonel Caradoc, that it was not usual to send persons to the head-quarters of an army unless as a sort of ally, and with the intention of giving countenance to the cause. His object, then, was to know whether Lord Eliot and Colonel Gurwood went to the head-quarters of Don Carlos as a sort of ally. The noble Lord (Lord Mahon) replied, at the time he had just alluded to, that the object of the Government in sending out the two Commissioners was to put an end to the system of warfare then prevailing. He alluded to the destruction of the villages, the massacre of the inhabitants, the putting to death the soldiers taken on each side, and said that no part of the object they had in view was to support in any way the cause of Don Carlos. Now he would ask whether any mission that could be sent out was more likely to advance a cause than this was to promote the success of the usurpation of Don Carlos. He wished the House to bear in mind the relations this country bore to Spain and Portugal and France in August last, when the treaty had been entered into which was known by the name of the Quadripartite Treaty. In this treaty Spain and Portugal mutually engaged to assist each other in expelling the persons who attempted to usurp the thrones of those countries from Spain and Portugal, and England and France were contracting parties to this treaty. France engaged to co-operate in any manner that the other three Allied Powers agreed, to promote the objects of the Treaty, and bound herself that no arms, ammunition, or armed men should depart from that country for the service or to promote the cause of the Pretender to the throne of Spain; and England engaged to co-operate with a naval force and to afford assistance by arms or ammunition to the legitimate sovereign of the Peninsula. This had been designated an abominable treaty in another place, he supposed because if it had been carried properly into effect that it must have put an end to Don Carlos's progress in Spain. Notwithstanding this treaty it appeared that British Commissioners had been sent to Don Carlos under a plea of humanity, although he had been proclaimed a traitor in Spain, and had been virtually acknowledged to be so by both England and France. The convention which had been entered into with him could have no other result than to give a more permanent form to that person's authority than otherwise would have been the case, and to continue that waste of human life and those acts of treachery and cruelty which the parties who promoted it contended they entered into with a wish to stop. With both Colonel Gurwood and Lord Eliot he had been many years acquainted, and for both of them he entertained the highest feelings of respect. He believed that a more amiable man in private life than Lord Eliot did not exist, or a more upright man in public life; but he only complained of them now as agents of a Government whose system of foreign policy he was opposed to. He found, by the public papers, that the Convention was to place the soldiers of the usurper, or rather these traitors to their country, on the same footing as the soldiers of the Queen. The object of those persons who were to be protected was to subvert a Government which this country, by a solemn treaty, had declared to be legitimate. One of the articles of this Convention stated, that "during the present contest no person whatever should be deprived of life on account of political opinions, without being judged and condemned previously according to the laws, decrees and ordinances existing in Spain." He should like to know how this agreement could operate, unless to give force to the decrees and ordinances of Don Carlos. That person contended that, as an absolute monarch, whatever he made a decree became a law of the land. He should like also to know what difference there would be in the treatment of the Spanish soldiers or the British volunteers, in any decree made by the person he alluded to. In his opinion, there never had been anything more monstrous than this part of the Convention, for it conferred power on men in a country where, by their conduct, they had divested themselves of all the rights they had previously possessed. He had an authority, which he would quote, which authorised him in saying that Don Carlos had put himself out of the protection of the law of all nations. The authority he alluded to was Vattel, who said that those who took arms with traitors might be charged, and were responsible, for all the horrors of the war, and for the outrages and crimes committed in it. In this case, however, the rights of loyal soldiers were put on exactly the same footing as rebels; and yet they were told that the Convention had only been entered into from a feeling of humanity. He should like to know where was this humanity the late Government was so anxious to display, when they suffered Poland to be devastated, and that brave people to be removed into distant and barbarous countries? What would the Autocrat of Russia have said, if we had sent to him Commissioners, to say that no Poles should be punished until they had been tried and condemned by the Polish laws? There was another occasion in Spain, when it might have been thought that humanity would have dictated interference; he meant when Torrijos and his companions had been murdered at Malaga. They never heard of interference dictated by humanity in such cases as these, because the cruelties were perpetrated by despots. The late Ministers made no attempt to put a stop to the outrages on one side, but they determined to prevent the extreme punishment being inflicted on those who had carried civil war into the country. This was not the only form in which liberty had been injured by the late Convention. They had had an intimation of what had taken place in a conversation between Louis Philippe and the British Commissioners, a conversation most complimentary and encouraging to Don Carlos and his party, and injurious to the cause of the Queen. He trusted that he should have that conversation explained at least, for he knew that it could not be denied. If this was not explained satisfactorily, he should like to know how they could place any reliance on the Commissioners. He knew that arms and ammunition had been sent from this country to Don Carlos, and nobody could doubt that the Neapolitan Court sided with that person. Was not the promotion of the liberties of the Peninsula a fit subject for British talent? Spain now looked to England alone, as she had repeatedly done before, to protect her independence. Her liberties now trembled in the balance; and he believed, that if the House of Commons would speak out, and would repudiate the terms of the Convention, that it was not too late. He would not trouble the House at greater length, but would conclude with observing, that he did not wish to ask for any papers that would affect any negotiation in progress, but only for such information as would throw a light on the subject of the negotiations. He concluded by moving that an Address be presented to his Majesty, praying that he would order to be laid before the House a Copy of the Instructions sent to Lord Eliot and Colonel Gurwood upon their late mission to Spain, together with Copies of all Reports and

Communications made to the British Government by those Commissioners; and also for a Copy of any Convention for the exchange of prisoners proposed by Lord Eliot, and signed by the Commander-in-Chief of the armies in the provinces of Guipuscoa, Alava, Biscay, and the kingdom of Navarre.

Lord *John Russell* said that, in the first place, he had to apologise for the absence of his noble Friend, the Secretary for Foreign Affairs. He would have been present, had it not been that he had been required to attend his Majesty at Windsor. With regard to the Motion of his hon. Friend, he begged to state that he had seen the Convention that had been entered into by Lord Eliot and Colonel Gurwood between the commanders of the contending armies in the Biscayan provinces, and his Majesty's Government would have no objection to lay it before the House. With respect to the instructions given to Colonel Gurwood, he begged to observe that he did not believe that there was any instance of any instructions having been made public; and he doubted whether it would not be found extremely inconvenient to lay instructions of this nature before Parliament. With respect to the second part of the Motion, that all the reports and communications of Lord Eliot and Colonel Gurwood should be laid before the House, he must say that such a course was most unusual, and it would not be for the convenience of his Majesty's service, or for the promotion of the public good, to lay the papers before Parliament. His hon. Friend was aware that the contest going on in Spain had been carried on with great fierceness on both sides, and a Convention had been entered into between the two parties, through the intervention of the Commissioners, to diminish the shedding of human blood. He did not think that it would be proper to lay before the House any portion of the documents, until they could be wholly laid on the Table. With respect to the general argument of his hon. Friend, he would only say, that the object of sending the Commissioners out was to put a stop to the useless bloodshed going on in Spain, and to the manner in which the war was carried on in Spain. From the papers he had seen in the Foreign-office, the Duke of Wellington seemed to have carried into effect most fairly and strictly the provisions of the treaty signed last year by the Four Powers; therefore he did not agree with his hon. Friend in the charge he had brought against the late Government of not having acted with good faith with respect to that treaty.

Dr. *Bowring* said, he would be the last person in the House to urge the production of papers in any case in which their being furnished would be likely to embarrass the Members of the Government. He felt bound to add, however, that it was with great gratification that he saw this subject introduced to the notice of the House. The people of Spain were looking, with great anxiety, to what was the feeling of this country with respect to the great struggle in which they were engaged. In that country existed all the elements necessary to the establishment of their future liberty; the slightest expression of sympathy on the part of England would insure their complete developement. No one who had not visited Spain could judge of the degree of affection which was there felt towards this country, or of the extent to which she relied on us for countenance and encouragement; no one who had not visited Spain could know how completely our interests were associated with hers, or how intimately were connected with her success, in her present struggle, the cause of Reform in this country, and of general freedom. If there was any deficiency of sympathy in this country with the cause of good government in Spain, it might be referred to the fact that the Spanish government had not rendered justice to the Spanish people. Don Carlos, in the North, had associated himself with certain popular feelings; and the existing government of Spain had experienced much difficulty, because it had not, by liberal measures, sufficiently identified itself with the interests of the people. The name of Don Carlos had been associated by the people with ancient and popular institutions, and the government of the Queen had perilled its cause from a want of liberality. It had not found a response to its call in the hearts of the people; it had not even courted an alliance with them; it had shackled the press, and instead of acting on principles of freedom and liberality, had adopted the maxims of arbitrary power. If the Spanish government acted as it ought, there was no danger for the cause. No country in the world was better calculated for popular institutions; and the time might arrive when Spain would be as great as at those periods of her history with which everything exalted was associated. It could not be too often repeated that there was no country in which more of the elements of freedom existed than in Spain. He hoped, therefore, that its government would associate itself with the recollections of ancient greatness, and establish a system of constitutional freedom on a sound and enduring basis.

Viscount *Mahon* concurred with the noble Lord in regretting the absence of the noble Lord, the Secretary of State for the Foreign Department, because, though that noble Lord was, of course, bound to obey the summons of his Majesty, yet it would have been much more satisfactory to have heard from the noble Lord himself, who, from the office he held, must be much more conversant with them, a statement of some of the details connected with this subject. He only expressed his personal feelings when he declared his regret that the noble Lord opposite thought it his duty to refuse the papers for which the hon. Member for Finsbury moved; but the noble Lord having said, that not to refuse the papers would be to establish a bad precedent, and to take a course which would be inconvenient to the public service, he considered himself bound to yield his assent to the noble Lord's objection. He begged to inform the House, however, that he was authorized by the Duke of Wellington to state that, as far as his, the noble Duke's, feelings and wishes were concerned, he was not only willing, but desirous that his instructions to Lord Eliot, his dispatches to Lord Eliot, and also that the previous correspondence from Madrid — indeed, that everything which could bear on the present Question should be produced. He was, at the same time, authorized by the Duke of Wellington to state, that he did not in the least wish to press on his Majesty's Government to produce papers that they thought ought, under the circumstances, to be withheld; but the noble Duke was persuaded that the more closely this question was examined in all its bearings, the more it would be seen how completely unfounded were the attacks which had been made on his Administration. He confessed he had witnessed, with great surprise, the attacks on the Duke of Wellington in connexion with this subject; and he alluded not merely to those of this evening, but also to others out of this House. If ever there was a transaction which he should have thought was beyond the reach of party spirit — which was founded on no principles but those of justice and humanity—which was stained by no motive mean or sordid—he should say, it was that convention which the Duke of Wellington so judiciously framed, and which Lord Eliot so ably and judiciously executed. He trusted he might be allowed to add that, in his opinion, and, if he were not misinformed, also in the opinion of his Majesty's Government, Lord Eliot had done himself great credit by the skill, judgment, and temper with which he had conducted that difficult negotiation. He hoped the country would, at some future time, derive the great advantages of Lord Eliot being employed in some still more difficult and important mission. To return to the Convention: he really could scarcely believe that the hon. Member for Finsbury could be aware of the system of barbarity which previously existed. In Navarre the prisoners on both sides were, on being taken, cruelly treated, and a few hours afterwards killed. If the hon. Member had been more fully informed on these points, he would surely not have indulged in the observations he made, he would surely not have disapproved of a transaction which tended to put an end to such a system. He was persuaded that the hon. Member would have taken a very different view of the subject, if he could only have witnessed that which the letters of Lord Eliot and Colonel Gurwood described. They stated, that on the very evening when Lord Eliot reached the head-quarters of Zumalacarreguy there were twelve or fifteen prisoners that had been taken in the course of the day, and were ordered to be shot the next morning; but Lord Eliot interceded to save them, and Zumalacarreguy acceded to his request. When the prisoners were informed that they owed their lives to Lord Eliot's humanity, they naturally expressed the greatest joy and the deepest gratitude to their deliverer. If such facts as these had come to the knowledge of the hon. Member for Finsbury, and to the House generally, he was confident that a very different feeling must prevail. He thought the question one in which all civilized nations were interested. Not only ought nations to be bound together by the common feelings of civilization and humanity, but as they were all exposed to the chance of civil war, it was to their interest to prevent a precedent being set for a most rancorous and exterminating animosity being indulged in. But the hon. Member for Finsbury stated that this Convention was unfavourable to the established Government of Spain. So far from that being the case he could assert that the mission was undertaken with the full concurrence of General Alava; the Convention was submitted to him before Lord Eliot's departure, and he most completely concurred in it. He would refer, also, to a declaration made by Martinez de la Rosa, a statesman whose talents and public character were, as they ought to be universally respected. In answer to an attack made in the Chamber, of Procuradores by Signior Galiano, that eminent statesman took the opportunity of defending every point of the Convention as favourable to the Queen's interest, and to the Queen's Government. Martinez de la Rosa not content however with that, went on to bear testimony to the conduct of the late Administration in a manner so gratifying to his feelings that he trusted the House would allow him to bring it to their recollection. The Minister to whom he was adverting stated with reference to the Duke of Wellington and his right hon. Friend, the Member for Tamworth that "He must say all their official conduct towards Spain had been marked by a strict and honourable fulfilment of the treaties, and every act of theirs bespoke a wish to befriend the Queen's Government." This was after the Duke of Wellington and his right hon. Friend had resigned office, so that there could not have existed any political interest to prompt the gratifying testimony borne. He would also beg leave to refer the hon. Gentleman to a letter he perhaps had seen in the public papers from General Cordova, and which appeared in the Spanish papers on the 19th of last month. That General, who was second in command in the army of the Queen of Spain, entered, in that letter, into a defence of every article of the treaty. The letter stated that the lives of not less than five hundred of the Queen's soldiers, and one hundred of the urban-guards, had been saved in consequence of the Convention. Perhaps, however, the hon. Gentleman would say, "Yes, but much greater advantages were derived from the Convention, by the Carlists; how many of them were saved?" His reply would be—not one. General Cordova stated that not one of Don Carlos's army received any advantage from the Convention. Now, unless the hon. Member for Finsbury thought he better understood the interest of the Queen of Spain than the Queen's Prime Minister, or than the Queen's own General, or than the Queen's own Minister in London—unless the hon. Gentleman thought this, it really did appear to him that he had given such testimony as must change the opinion of the hon. Gentleman on this subject. In the Convention as at first proposed, the Queen's General suggested several alterations, which were agreed to. He would also add to the list of facts he had furnished, that after the Convention was proposed and signed by Lord Eliot and General Zumalacarreguy, at that time it being considered only a stipulation, the Queen attached great importance to its being converted into a Convention, so that the Convention was as much the act of the Queen of Spain's Government as it was that of the late Administration. He would take this opportunity of adverting to a notice he had thought right to give of a Motion relating to the recent Order in Council; he had no wish to interfere inconveniently with the business conducted by the Government, but he thought the House would feel that if the subject was to be discussed at all, there ought not to be much delay in bringing it forward. When that Motion came before the House he could enter more fully into matters respecting Spain, than he should feel himself justified in doing on the present occasion. He believed, however it would be found that the Convention concluded by Lord Eliot would be honourable to the English Government, beneficial to the Government of Spain, and worthy the high character this country had always borne, and which he trusted it would always be the wish of this House to adhere to and maintain.

Mr. *Cressett Pelham* was understood to argue against the principle of interference in the civil wars of neighbouring States, and the danger of establishing a precedent for foreign interference in England. What, he would ask, would Oliver Cromwell have said if Louis 14th had claimed a right to interfere to protect the Royalist prisoners taken during the wars of the Commonwealth, when England was struggling for liberty? As he had mentioned the name of Cromwell he must do him the justice to say, that he had humanely interposed to protect the French Protestants who had been driven from their country. He must own that this Convention appeared to be undertaken in a spirit of humanity which claimed the approbation of all enlightened men. In his opinion, the late Administration had wisely interfered for the promotion of humanity without running the risk of incurring expense or provoking further contest.

Colonel *Evans* could not see the necessity which existed for the present Motion. The Members of the late Government did not think it necessary to call for the production of any papers to vindicate their characters respecting the objects they had in view in the formation of the Convention. Neither did the present Ministry attempt to arraign those motives, or to cast any blame on the conduct of the Commissioners who executed it. On the contrary, they had given their predecessors unqualified praise for this portion of their foreign policy. There was, therefore, a perfect coincidence of opinion on this subject between the parties in England whose characters and interests might be chiefly affected by it. For my own part (said the gallant Colonel) I at first felt somewhat uncertain what had been the effect of this measure in Spain, and made anxious and particular inquiries with respect to its operation on the parties whose conduct it was intended to influence. I have now, however, great pleasure in stating that, from all which I can learn, the conduct of the noble Duke throughout the negotiation has been marked by an entire fidelity to existing treaties—to the honour of England and the obligations she had entered into relative to the recognition of constitutional liberty abroad. I now feel convinced that he has pursued a sound and faithful as well as benevolent policy in his late measures adopted towards Spain. If there has been anything that can fairly be complained of in connexion with any part of the transaction, it is the subsequent indiscretion of a gallant acquaintance of mine, (Colonel Gurwood) relative to a reported conversation with an illustrious individual abroad (the King of the French) as stated in the newspapers. I have little doubt that the opinions and sentiments attributed to these individuals are much distorted in the statement which appeared; but, however that may be, no blame attaches either to the noble Duke for the spirit in which he originated the Convention, or to the Commissioners for the manner in which they carried it into operation. On the contrary, the conduct of both is the just theme of approbation amongst those whose opportunities of observing its effects on the spot entitle them to every confidence.

An *Hon. Member* congratulated the House that the Question had been brought forward, as it had elicited so much to be approved of in the conduct of those who had the management of the humane negotiation as well as the honour of England in their hands. He was inclined to give credit to Lord John Russell for his motives in withholding the papers referred to at this crisis. It was highly gratifying to find the successors of those who had filled the most important trusts coming forward to vouch for the integrity, honour, and regard to public faith which their predecessors had evinced in the discharge of their duties. Indeed, it was a subject of just congratulation to Englishmen, that notwithstanding the frequent changes which had lately taken place in the Government of this country which tended to give to foreign countries an impression of the instability of our country, but one feeling prevailed as to the execution of the treaties which had been entered into. The British Government might be prevented from any direct interference with the state of Spain, but he thought it advisable that on every occasion the subject should be brought under the attention of the British public, and that every possible opportunity ought to be taken to express a sentiment which might strengthen the relations of amity that subsisted between the two parties.

Mr. *O'Connell* said, after the satisfactory statement of the noble Lord he would suggest to the hon. Member for Finsbury that the right course would be for him to withdraw his Motion. The House must be perfectly satisfied with what this Convention had effected. It was delightful to understand that the first result of this stipulation, or Convention, or whatever it was, was the saving of human life. It appeared that the Queen's ministers and generals were satisfied with the Convention; therefore he did not see why any one in this country should quarrel with it. He would once more express his hope that his hon. Friend would not persevere with his Motion.

Mr. *Thomas Duncombe* would leave his Motion entirely in the hands of the noble Lord, trusting that he would furnish as much information as he conveniently could.

Motion withdrawn.

DISTURBANCES AMONG THE LABOURING POOR.] Mr. *Arthur Trevor* rose to move for copies of any information in the possession of his Majesty's Government relative to the recent disturbances among the labouring poor in Ampthill, Bedfordshire; Chesham, Bucks; and Eastbourne, Sussex. He said it could not but be matter of regret that in attempting to carry into effect the provisions of the new Poor-law, some disturbances had broken out. Though he deprecated them, he could not be altogether surprised at them. There were some points in that measure which he thought extremely objectionable —there were some points in it which amounted to neither more nor less than saying that the poor were strangers to the feelings of their more fortunate fellow-creatures—that their nature was not so sensitive as was the nature of the higher classes. When he saw the social compact violated, as it was by this law, he could not be surprised at what had taken place; and he feared that, before they had passed through the winter, other cases of a similar kind to those he was now bringing under the consideration of the House would occur. In so saying, he spoke not his individual opinion only, but the opinion of many experienced persons, among whom were some of the magistrates of the county in which he resided. He thought that the information for which he was about to move, could not fail to show the temper of the people towards the law in question. The hon. Gentleman concluded by moving—"That there be laid before the House copies of any information his Majesty's Government may have received relative to the recent disturbances among the labouring poor in the parish of Ampthill, in the county of Bedford; Chesham, Bucks; and Eastbourne, Sussex."

Lord *John Russell* said, that the only objection he had to the production of the papers was, that the information would come before the House in a better way when the Commissioners of the Poor-laws presented their Report, and they informed him that they would be able to do so by the end of this month. That Report would take notice of any riots or disturbances against the alterations which had taken place in the law affecting the poor. He had desired particularly that the Report should be full respecting the disturbances which had taken place in Eastbourne, Ampthill, and Chesham. With respect to the riots in Devonshire, they were caused by a number of boys and women, who misconstrued the intention of the Poor-laws. These persons objected to receiving in food the relief which they had been accustomed to receive in money; but it was to be hoped they would become reconciled to it. The advantage of the present system was, that the giving of the food afforded substantial relief, but when money was supplied, it was too often carried to the gin-shop. There had been no disturbances in consequence of dissatisfaction with the Poor-laws of a very serious character. The ordinary police had been in every case equal to the suppression of the riots. He thought the hon. Gentleman had better wait for the information he required till it was furnished by the general Report.

Mr. *Arthur Trevor* said, that understanding from the noble Lord that the Report of the Poor-law Commissioners would be shortly laid upon the Table of the House, he would not press his Motion. He sincerely trusted that the Report would have the effect of removing the anxiety which was at present felt by many persons as to the consequences of efforts to carry the Poor-laws into full effect. Under the present circumstances he begged leave to withdraw his Motion.

ABOLITION OF SLAVERY.] Mr. *Fowell Buxton* rose pursuant to notice, to move "That a Select Committee be appointed to inquire whether the conditions on which the 20,000,000*l.* were granted for the Abolition of Slavery have been complied with." He was aware that he might expect considerable opposition to the Motion; and he would at once admit, that the honour of the country was pledged, and its best interests committed, to the payment of the 20,000,000*l.* if the planters had fulfilled the conditions imposed on them, and observed the promises they had made. He was prepared, however, to show that the terms of the agreement had not been fulfilled by the planters; and, that no excuse or apology was to be found in the conduct of the negroes for that breach of faith. In entering upon this subject, he felt that the part he had taken with respect to the emancipation of slaves in the colonies, imposed upon him at the present period a duty of the utmost responsibility, and from which he could not shrink with any regard to consistency. From the terms of the Motion of which he had given notice, he should assuredly be understood to allude to the necessity there existed for the British Parliament to watch, with an attention almost amounting to jealousy, the conduct of those persons officially intrusted with the charge conferred upon them by the Act of 1833; the object of which was to relieve the slave population of our West-India possessions from the infliction of the lash, and other odious evils, inseparable from the state of degrading servility in which they were held. The House would recollect the high tone of remonstrance then held by several hon. Members connected with the West-India interests, as to the impracticability of the measure proposed for extinguishing the hateful relation between the slave and the master; and the prophecy of many, that the measure must fail of effecting what it rashly proposed to accomplish. Gentlemen, he sincerely hoped, would see that it was their duty, under the circumstances he was about to detail, to take some decisive step, or to adopt a positive resolution to prevent the money apportioned by way of compensation to the owners of slaves, or rather as the ransom of the slaves themselves from their state of bondage, from being disbursed until the promises and stipulations should have been fulfilled, under which it was announced to the House that this large sum of 20,000,000*l.* was to be advanced to the owners of slaves, by way, as it was termed, of compensation for the loss of the services of their slaves. It was necessary that he should, *in limine*, recall to the recollection of the House some of the melancholy forebodings indulged in as to the results of the measure. A right hon. Gentleman, now elevated to the Peerage (Lord Ashburton), spoke with considerable confidence, inspired by his general knowledge on the subject of our commerce and colonies, and even went so far as to prophesy what would be the effects of the total emancipation of the negroes in the West Indies from slavery. Recollecting these prophetic and portentous announcements, he had looked with attention to the returns made to the House upon this subject—returns which, so far from supporting the noble Lord's authority as a prophet, showed how completely these confident predictions had failed. He would read to the House an extract from Mr. Baring's speech on the subject, delivered on the 7th of June, 1833:—The hon. Member accordingly read a long extract from that Gentleman's speech, for which see Hansard's Third Series, Vol. xviii., p. 492, 494. Had those predictions, the hon. Member continued, been fulfilled? Had our manufactures and commerce declined, and were our ships rotting in harbour? As to the price of sugar, so far from being doubled or trebled in consequence of the abolition of slavery, it was, if anything, rather lower than it had been for the average of the ten years preceding the abolition of slavery. He wished to ask his right hon. Friend, the Chancellor of the Exchequer, whether he had found a deficit of 3,000,000*l.* in the Sugar-duties?—Whether the emancipation of the slaves had been attended with all the serious financial difficulties foretold by the right hon .Gentleman? Had our West-Indian Colonies separated from us? The hon. Member expressed his desire of being taunted at the end of two years as a false prophet. He had not recalled the hon. Member's predictions for the purpose of taunting him, but for the purpose of shewing, in countries where slavery still continued, such as America—and where the same doctrines were current—how little reliance was to be placed on bold assertions and confident predictions of the evils of freedom, even when they came recommended by the undoubted probity and peculiar acquaintance with commerce and colonies of the late Member for Essex. In reply to the representations made by the great body of West-India Proprietors, he would confidently state, that by the slave population in these islands, the boon of freedom on August the 1st, had been received in a way which would have done credit to the most enlightened people. Had he said five years ago that freedom granted would not be accompanied with rivers of blood—with scenes of unexampled desolation, he should have been set down as an enthusiast. Now the real facts were before them; it was saying little to assert, that no blood was shed. Not one act of violence was committed—there was no boisterous merriment—no uproar of joy. On the evening of the 31st of July, as the moment of liberation was approaching, which was to make so great a change on them and their condition, transforming them from things, and chattels, and brutes, as they are described in Colonial Acts, into citizens and subjects of the British Empire, with her laws and her power to defend them — that moment found every chapel and place of worship thronged with worshippers. It passed over in deep and solemn silence, and was at length broken by a burst of praise and thanksgiving to that Almighty Power which had redeemed them from bondage; and the day which was to have let loose the rude passions of a savage multitude, passed over in profound tranquillity, and in acts of simple and grateful devotion. So passed Friday, the 1st of August. On the Sunday the Slaves did that which we had so long in vain laboured for—they abolished the Sunday markets. But what did they do on the Monday morning? Did they, which had been predicted a thousand times, refuse and reject all labour? Did they "pass their hours basking in the sunshine of a luxurious but languid soil?" In 1832 he was examined before the House of Lords, for several successive days, and amongst the multitude of questions proposed he was asked:—"Suppose Emancipation were granted this evening, what would be done to-morrow morning?" His answer was,—"To-morrow morning is an early day. Perhaps they will enjoy themselves a little. I should say, that on the following Monday they would proceed to work." Lord Sligo was sitting by at the time. Lord Sligo was Governor of Jamaica when the liberation was effected, and these are his words:—"The 1st of August, the day of Emancipation, was devoted, in most parts of the island, to devotional services. Saturday was a holiday. On Monday the apprentices turned out to their work, with even more than usual readiness, in some cases with alacrity, and all with good humour." He was compelled to turn prophet upon the subject of that inevitable rebellion, which haunted Gentlemen's imagination. "Do you believe," he was asked, "that if Parliament were to grant privileges to the Slaves (which the Colonial Legislature would not authorize), those privileges would be granted without producing a rebellion on the part of the Slaves?" His answer was—"The planters would be in a state of rebellion." Again he was asked—"Would there not be an insurrection of the negroes?"—"No; I think the real danger of the case, and so I stated the other day, is, that the planters would be disposed to rebel. The danger is not with the negroes." Now let them look at the fact as Lord Sligo stated it;—"They (the negroes) will be quiet unless forced into rebellion by the conduct of the overseers, and, I am sorry to say, many of the masters and managing attorneys encourage them. There have been several petty disturbances, in almost every instance caused by the intemperate conduct of the overseers, or exaction by the proprietors or managers." Again he was asked—"There being difficulties attendant upon the emancipation of the negroes in what way do you propose to obviate them?"—"The way I should propose would be, simply to subject the negroes to those motives which induce men to work everywhere else,—make it their interest,—throw them upon their own resources; and whether black men or white men, or men of any colour, or in any climate, I think there would be more labour obtained than there could be by force." And what did Lord Sligo say upon that point? After many months' experience he said,—"As far as the work of the negroes is concerned, it is now found that, except on Saturdays (when they work in their own provision grounds), as much work as is required can be had for wages." The House would see how my speculations on these points had been in conformity with subsequent events,—how thoroughly his expectations had been fulfilled—but nowhere had they been so fulfilled as in Antigua. The fairest answer would be found there, where there was no intervening apprenticeship,—where the negroes were "thrown upon their own resources," and, under these circumstances, they had realized all that had been predicted in their favour. He could not expect that the House would be so indulgent as to listen to the variety of details, all equally satisfactory, which he had to produce on this subject; but a few facts, derived from unquestionable authority, he might, perhaps, be permitted to state. "I found," wrote an eminent individual, on the 27th of November, 1834, "in Antigua, where, on the 1st of August, entire and unqualified freedom was given to the slave, that the work of the plantations is conducted most satisfactorily, and at a far less expense than before." The Speaker of the House of Assembly, in a speech delivered on the 30th of October, 1834, said:—"That, far from desponding, he looked with exultation at the prospect before them. The agricultural and commercial prosperity was absolutely on the advance; and, for his part, he would not hesitate to purchase estates to-morrow." Mr. Loving, the chief of police in that island, wrote on the 7th of January, 1835:—"You may tell all our friends that matters are working vastly well in this island. The rural population exhibited a peaceful and moral deportment during the Christmas holidays, that would have done honour to any country in the world; and in no past year did the season of West-Indian revelry, frolic, and debauchery, blow over with such tranquillity." Another individual wrote to a noble Member of this House on the 14th of February, 1835:—"As to disturbance, there has been nothing like it since the celebrated 1st of August, but the island has been even more quiet than at other times." But he could not attempt to lead the House through all the details he had before him. He would, however, ask, was the tranquillity of the island disturbed? Gentlemen would recollect the arguments in favour of an intermediate state—of the extreme danger of passing, *per saltum*, from slavery to freedom. The two islands of St. Kitt's and Antigua were contiguous, and under the same governor. Granting the force of those arguments, against the sudden and entire establishment of freedom, the point of danger was not at St. Kitt's, where apprenticeship existed, but at Antigua, where none of these precautions were used. What was the result? Was there danger among the free negroes of Antigua, or among the half-freed negroes of St. Kitt's? Look at one fact. A few days before the 1st of August, the Governor, his staff, and his force, passed from Antigua to St. Kitt's, for this plain reason, because he apprehended danger, not on the island where entire freedom was given, but in the colony where it was only in part conceded. But he would go to the Christmas holidays, a period of great danger in every slave colony, but, according to the old notions, of peculiar and excessive danger in a colony where slavery had expired. For 100 years they had established military law during these holidays, and, for the first time, that practice was departed from; and why?—because they felt perfect security under their new circumstances. In further confirmation of the perfect tranquillity which had prevailed, he would quote a passage of a letter from the chief of the police, up to an early period of the present year:—"There had not been a single crime of any atrocity perpetrated by the free negroes of this island, since their emancipation;"—while, as it was quite unnecessary for him to inform the House, such offences were of constant occurrence before that time. But how much have they heard of the want of an inclination in the negroes for the enjoyments and luxuries of life? How often had the walls of that House heard, that if they could implant within the breast of the negro a desire for the luxuries and enjoyments of civilized life, all would be well? But unhappily the negro had no such tastes. He had an inclination, however, it now appeared for some of the enjoyments of life; marriage for example. "To the best of my recollection," said a clergyman, 5th January, 1835, "during the seven preceding years I have spent in this island, there were solemnized in my church 103 marriages. Since the 1st of August, a period of five months only, I have already solemnized 61 marriages of the newly freed people." The House would hardly be prepared to hear of the refinements in which they were disposed to indulge. A person who had been gratified by the industrious and obedient conduct of the negroes on his estate, wrote:—"I collected all my negroes and asked them what stores of clothes, &c. I should order for them from England? They all declined my offer, saying, they preferred waiting till they could see what would be the fashions, and then they might ask me to buy for them, if they could not purchase for themselves." Another gentleman who had long resided in Antigua, and on whose testimony he could entirely rely, assured him that at a meeting of a friendly society there, consisting of some hundreds of apprentices, the males attended almost all of them in kid gloves: the females, without exception, protected by parasols. And these were the people in whom a taste for the indulgencies and luxuries of life could not be implanted. But the poor planters were to be ruined. They might receive compensation for their slaves, it was said, but who would repay them for their buildings and grounds which would cease to bear any value. A gentleman recently from Antigua, gave him this piece of information:—"The price of land has advanced considerably since the 1st of August. In the town of St. John's it has been doubled in value. More ground has been opened in the island since that period, than was ever known to have been done before in the same time." Were the negroes industrious? A gentleman on whom he could entirely rely, wrote to him, on the 25th of April, 1835, as follows:—"The negroes are a much-defamed people. In all Antigua I know but one disinclined to work since the 1st of August, and he is an idiot. They are as able and willing to labour as any people under the sun, if they receive proper remuneration for their labour,—they give their labour for small wages, about 6*d*. per day." But nothing perhaps would more clearly place before the House the advantages which the proprietor of West-India property would derive from freedom, than this Summary of an estate of 185 acres, situated in the Island of Antigua, from the months of January and February, of the last three years. He had obtained it through the medium of an hon. Member of this House, then present, and he had his authority for stating, that the proprietor, though an indulgent master to his negroes, had been his whole life long, a determined enemy of emancipation. He received at the early part of this year letters from his manager. The manager generally complains of the idleness of the free negroes on the estate. He says, "their laziness is unbearable"—(January.) "It was impossible, I find, to make more than one hogshead of sugar per day!"—(February.) "The people do not work. How am I to get off the crop, and put in the ensuing? I hardly know. As to provision ground, I know not when I shall be able to prepare any."—(February.) A note of admiration marked his surprise or indignation at their exorbitant demand of two bits per day (seven-pence British,) for wages. He would proceed to read the Summary of what was obtained from the Estate:

Hogsheads of Sugar potted.

1833.		1834.		1835.	
January	— 5	January	— 10	January	— 10
February	— 10	February	— 9	February	— 14
Hhds.	— 15	Hhds.	— 19	Hhds.	— 24

The industry of the two first months of 1835, then produced five more hogsheads than 1834, and nine more than 1833.

Of Rum.

None was made in January in any of these years.

1833.	1834.	1835.
February - 0	February - 95 galls.	February - 128 galls.

This requires no comment.

Number of persons employed.

	1833.	1834.	1835.
Grown persons	103	99	83
Children under twelve	51	52	2
	154	151	85

Fewer grown persons, then, were employed in 1835 than in any of the preceding years, and the number of children was reduced from fifty to two. What could be said, then, of the manager's complaints: and how sympathize with his despondency?—Or how reconcile such results with his accounts of the idleness and unbearable laziness of the negroes. In the two months for which accounts had been received of this year, much more sugar and rum had been made, more field-work had been done, than in the like period in former years; less was left to be done, the provision ground (of which he knew not how he could prepare any) was all prepared, and the work was done by fewer hands than in the corresponding months of the two preceding years. With a reduction of forty per cent. of the numbers employed, forty per cent. more work was done than on an average of the two preceding years! He would mention another anecdote, which is applied to Antigua, he believed, though he was not certain. A friend of his, an hon. Member of this House, met with a gentleman, an acquaintance of his, who possessed West-India property. He asked him, "How are things going on in the colonies?" "Bad enough," was the reply; "the negroes are the most ungrateful, indolent, worthless rascals in the world." "I am afraid, then," said my friend, "they will never get in the crop." "Yes they will," said his friend, "that is the worst of them—they'll do nothing out of gratitude, but they'll work like furies for wages." And these are the people of whom some slender hopes might be entertained if they could but be got to work at any price. They worked well, it seemed, for 6*d*. a-day. In Jamaica, the Christmas holidays and days preceding and subsequent to that period, passed over without any disturbance, as appeared by a variety of letters addressed by the special magistrates to the Marquess of Sligo. These gentlemen had the best opportunities for judging, and they were unanimous in stating, that no peasantry in the world could have conducted themselves with more propriety than they had. Some state that "all was quiet;" others, that there was perfect tranquillity; another, that the conduct of the negroes was "very exemplary," — "perfectly tranquil and orderly,"—"most regular,"—"all at work cheaply and well,"—"praiseworthy in the extreme," — "irreproachable and admirable,"—"blameless,"—"most orderly," —"most satisfactory,"—"most orderly, correct, and obedient." He selected only a few of the epithets applied by the special magistrates to the conduct of the negroes since their emancipation, as the best answer to the predictions of convulsion in this island, as a consequence of the measure. A report had been drawn up by the special magistrates, confirmatory of the quiet state of everything on 452 estates, and not a single complaint against the negroes. From the papers which had been already presented to the House, it would be seen that as much labour could be obtained for wages as was required. From the reports of the special magistrates and planters to the Marquess of Sligo, it appeared that "The negro will work for money, and work cheaply too;" that "a disposition to work in their free time, on terms equally favourable to the proprietors, was not only general, but universal, among the negroes in some parishes—"the negroes have shewn that they are easily to be satisfied with wages," "I never knew them so greedy for money, so industriously anxious to earn it;"—I have been hiring apprentices to dig cane holes, in their own time, at from 40*s.* to 50*s.* per acre cheaper than the current price paid to jobbers;"—"coppers hung, and plumber's work done in the apprentices own time, and I can hire as many labourers as I require for the estate from the neighbouring estates, in their own time." In the Marquess of Sligo's despatch dated the 10th of February, 1835, he says,—"I think that the crop will be, if not more, at all events a full average one;" and in a subsequent despatch, dated the 6th of March, 1835, he adds—"nothing can be going on better than everything in this island." Governor Smith wrote to Lord Aberdeen, in April, of the present year. During the last quarter of 1834, the apprenticed labourers have produced 2,764 hogsheads more than the planter had a right to calculate upon, and the produce of this year, notwithstanding unfavourable weather, exceeds that at the same period of 1831: 24,676 hogsheads have been shipped from the river Demarara alone, during the last six months, more than (with a diminution of one-sixth of his labour) he had a right to expect." In another letter to the same noble Lord, Governor Smith, stated — "The whole colony is perfectly tranquil. Indeed, the general good conduct of the labouring population is such, that it is impossible, in any quarter of the British dominions, that the same extent of numbers can conduct themselves better than the apprenticed labourers in this colony." And again, on the 4th of March,—"In this colony, complete tranquillity prevails, the industry and good-will of the labourers are acknowledged by the planters themselves. Where there are complaints, in nine cases out of ten, they arise from the quantum of work attempted to be exacted, and not the labour itself. In very many cases the labourer was more sinned against than sinning. There is not one estate where a reasonable quantity of work is not performed. Since the 1st of August, no white man has been struck or ill-treated, nor a single building or cane-field set fire to." From these accounts, particularly from Antigua, it was fair to infer that the Legislature might have safely and wisely provided at once to emancipate the slaves completely, if it had trusted to human nature. But he would content himself with congratulating the House, and the negroes themselves, on what had been done so happily in this respect, and the little evil there was fairly to be anticipated from a measure of so much humanity. Trying them by every test, the negroes had shewn themselves worthy of the boon granted them. The disposition evinced by the negroes, since the attainment of freedom, had been cheerful and industrious in the extreme. The amount of the proceeds of their labour on various estates, so far from being diminished, had actually increased since that event. In short, their conduct had not only refuted the calumnies so profusely spread against them, but had surpassed the warmest expectations of their most sanguine friends. He wished he could have closed his case at this point, and had not found it necessary to make further remarks, having for their object to shew that the same disposition to fulfil engagements had not been manifested by other parties to the contract which has been entered into on the subject of emancipation. Had the planters performed their engagements to the negro, as the negro had performed his duty to the planter? Had they acted up to the promises given on their behalf?—promises to the effect that the whip, as a stimulant to labour, should be abolished, that females should not be subjected to corporal punishment,—that the special magistrates alone should inflict punishment, — and that, in fact, the negroes subject to the obligation of working a certain number of hours a-week for their masters, should, to all intents and purposes, be free. It was settled that no part of the money was to be paid until provision had been made for carrying into effect the intention of the Act. It could not, indeed, be denied, that the condition on which the 20,000,000*l.* had been given, was, that the negroes, subject only to the daily task, should be substantially free. He must, however, quote certain documents to shew that the conditions on which the money was granted had not been fulfilled by the planters. The object which he had in view was, that the money should not be paid to the planters till such an inquiry had been made as would enable the House to see whether the settlement of the Question of Negro Slavery had been adjusted in an adequate and satisfactory manner. Had the planters and slave-owners done that upon doing which, 20,000,000*l.* was bestowed on them? The project of the Bill of the noble Lord (Stanley) in the Resolution, ran thus:—"Subject to the obligations imposed by this Act, all persons held in slavery on the 1st of August, 1834, become to all intents and purposes free, and discharged from all manner of slavery; and from and after the 1st of August, 1834, slavery shall be, and is, utterly abolished, and declared unlawful throughout the British Colonies, plantations, and possessions; and that the power of the whip, as a stimulant of labour, shall cease; that females shall not be flogged; that neither master nor local magistrate, but only special magistrate, shall inflict punishment; that the allowances hitherto granted by law shall be continued; that the negro shall be liable to work for his master for a certain number of hours each week, but that, subject to this obligation only, he shall be free; that no part of the money shall be paid till adequate and satisfactory provision has been made for carrying these principles into effect; and, finally, that the Act in principle is to be irrevocable—it cannot be altered at all—till the alterations have received the assent of his Majesty, nor unless the alterations accomplish the objects of the Bill as fully as the Bill itself." He would ask the noble Lord (Stanley) whether the plain understanding of all these conditions was not, that, hereafter, the apprentice in our colonies shall, after giving his labour to his master for a certain number of hours, be free?—[Lord *Stanley:* Yes.]—Exactly so. The condition announced by the noble Lord was, "That the negro should have, after that service, all the rights of freedom," and "that no taint of the servile condition should be suffered to remain as respected the apprentice." "That no corporal punishment should be inflicted; nor should he or his connexions be insulted by the use of the lash." The noble Lord appeared to be aware that the craving of the slave-owner for absolute power over the slave was so undeviatingly active, that he withdrew by his Bill all former restrictions, "so that no taint of slavery should remain to impeach the new-born rights of the apprentices in our Colonies: and it was distinctly stated, that the Act provided "that the Colonial legislatures themselves should be positively bound to legislate on this subject in the spirit of the Act of the Imperial Parliament. Nay further, that no Act of the Colonial legislature, on this important subject, though enacted in that spirit, should be of force or validity till it was sanctioned by his Majesty in Council. —[Lord *Stanley:* The suspending clause was struck out in the Committee.]—Still he contended that every Act on this subject, passed by the Colonial legislatures, was suspended till ratified in England. Those legislatures were not at liberty to pass a law, and enforce it in the Colonies, touching the negroes, till a formal recognition should have been despatched from the Government of Great Britain to the Colonial Government.

Sir *George Grey* said, that the clause to which the hon. Member alluded merely referred to Local Acts, and provided that if, in the course of that species of legislation, any thing should be found to contravene the Imperial Act, an Order in Council might prevent .

Mr. *Fowell Buxton:* That was precisely what he contended for; that legislation was not left to the Colonies as regarded the rights of the negroes, that the Colonial Assemblies could only legislate in minor matters, and even then that their Acts could not be carried into effect till they had received the assent of the King in Council. The Order in Council approving the Act for the Abolition of Slavery, arrived in the Colonies early in May, 1834, when the planters were told that they had an indefeasible right to the grant of 20,000,000*l.* Upon this understanding between the Government at home and the colonists, it was natural to infer that the Colonial legislatures, and the persons thus benefited by this large grant of public money, would be prepared to act in obedience to the Slavery Abolition Bill, and in furtherance of its spirit. But had they so acted? He answered, no. It was not too much to suppose, that by such a Bill it was intended the apprentices should have the ordinary privileges of freemen—those common but indispensable rights without which liberty could be nothing but a name. For example: the freeman, after having discharged his duty to his master as required by the Act, in the time indisputably his own—say the Saturday afternoon—should be at liberty to walk along the high road, attend a meeting, if he conducted himself properly, vote for a favourite candidate, if he had the necessary qualification of property, visit his own wife residing upon a neighbouring estate, and complain to the person sent specially from England to hear his complaints, and protect him from the violation of his rights, if he should feel himself in any respect, however trifling, aggrieved. Who would say, that the apprentice, delivered from every taint of slavery, was not to have these moderate privileges? By the Act of the Jamaica legislature, however, for walking along the high road, in his own time, he was an offender liable to punishment. By attending a meeting a second punishment was incurred; by voting for a candidate, or indeed voting at all, he was a third time a transgressor of the law; by making his complaint, slight and trivial in the eyes of the white man, but important to him who had better reason than we had to value every part of freedom, he was once more an offender; and he was undoubtedly a criminal for the fifth time if he should visit his own wife on a neighbouring estate. ["*No! No!*"]—It was so, however, in the 27th clause of the Act of 1833, and in the 7th clause of the Act of 1834. All persons leaving the estate to which they belonged were liable to be apprehended by the constable, to be adjudged vagabonds, and to be treated accordingly. There was an exception, however, in favour of the wife, for she was permitted to visit her husband on a neighbouring estate, though her husband was not allowed to go to her. Why should there be an exception in favour of the wife, without also including the husband? Had justice been done to the negroes by the planters? In his opinion it had not. There was scarcely an instance in which the promises held out to the negro population had been satisfactorily redeemed; the West-India legislatures had set themselves to work, to undo and thwart all the kind intentions of the British Parliament. The Acts of the Colonial legislatures ought to have been laid before the House, in order that before the money was paid to the planters, it might be ascertained how far they had acted up to their agreement. Why was it that the Acts of the Colonial Assemblies were not laid before the House?—[Sir *George Grey*: They would be laid on the Table if called for.]—If called for! It was announced in the King's Speech, that the Acts of the Colonial legislatures in reference to the Emancipation Bill, which were to become laws on their being approved of by his Majesty in Council, should be laid before Parliament immediately; but they had not been produced. He had done his duty on the occasion, for, at an early period of the Session, he had moved for copies of all Acts passed by the Houses of Assembly for the abolition of slavery in his Majesty's dominions, and yet up to the present period no one in the House, except his hon. Friend, knew anything at all about them. This country would pay the money blindly if it paid it now; but the House ought at least to inquire and see if the conditions of the contract had been adequately and satisfactorily fulfilled before paying it. If they had been satisfactorily fulfilled, he should be as glad as any one to see the money paid; but if they had not been fulfilled, he was sure the House would agree with him, when he said that the 20,000,000*l.* ought not to be paid. With regard to the appointment of local magistrates, he must observe that when the Bill was discussed in 1833, nothing made a deeper impression on him, or more reconciled him to the general principles of the measure, than the declaration of the noble Lord (Stanley), that impartial persons should be appointed by the Crown to act as magistrates. He relied on that promise, and he might add, the noble Lord urged that point so much, that he confidently trusted it would have been carried into effect. The noble Lord said, that "stipendiary Magistrates, appointed by the Crown, uninfluenced by the local assemblies, free from local passions, and unbiassed by party prejudices, who will administer equal justice to the rich and the poor, the black and the white; who will watch over and protect the negro in his incipient state of freedom, and will aid and direct his inexperience in forming a contract with his master, which must have so material an effect upon his future life." What was the fact? According to letters which he had received, it appeared that in one island, out of eight magistrates, five were connected with estates; in another, out of twenty-one or twenty-two magistrates, seventeen were planters, or attornies, or agents; and in a third, there were thirty special Magistrates connected with the planters. He had received accounts of these facts from a variety of quarters; and he did not hesitate to lay them before the House for the purpose of putting hon. Gentlemen on their guard against paying the planters the whole sum of 20,000,000*l.* without seeing that the conditions on which it was given had been complied with. It might be said, that the Governor carefully selected proper persons for the office. He doubted that, as he had reason to believe that very improper persons had been appointed. He was going to say, that in one case, a person convicted of crime had been appointed a Magistrate, but he would not say so—for he was not convicted, he was acquitted, but his name was afterwards struck out of the Council, yet that man had been appointed a Magistrate. [Lord *Stanley* wished to know the date of the appointment and the colony?] He did not wish to name individuals, or enter into numerous details, but he could assure the noble Lord that his assertion was strictly true. All he wanted by his Motion was, to suspend the payment of the twenty millions till the House could judge whether the conditions of the contract had been fulfilled on the part of the planters. He came to another point, and one too on which the noble Lord had laid great stress. On bringing in the Bill, the noble Lord dwelt on the destruction of morals caused by the infliction of corporal punishment on females. The expressions used by the noble Lord on that occasion were to the following effect:—"To talk of preparing the slave for freedom, to speak of developing or ripening his moral faculties to render him capable of enjoying it, and yet show him, that all the domestic ties of his home may be violated; that his wife, that his daughter, that his sister, may be at the pleasure of the overseer of a plantation, all be subject to corporal punishment upon their bare persons, was a mockery and an insult."* Since that time, however, a sort of bye-law had been passed, according to which it was lawful to inflict certain punishment on juvenile offenders, and to show how that law had been acted on, he would give a case which occurred in St. Kitt's, and it took its rise from Mr. Wilson, a Special Justice, having given a general permission to whip the small gangs on estates, whose conduct might be deemed, by those in authority over them, to be impertinent. The case was as follows:—"Ann Mahon, a girl of fifteen years of age, had given offence to her master, who had taken improper liberties with her, which she resented. Her master in consequence accused her of not watering the garden properly, and called upon the auxiliary constable of the estate, desired him to do his duty according to the orders he had received from Mr. Wilson. The constable then took her round the waist, and carried her to the mango tree, where, assisted by two men, each holding a hand of the girl, he, after unbuttoning her frock, and taking off her handkerchief, proceeded to flog her with a bunch of tamarind twigs, after which infliction she was compelled to work in the garden until dark." He had a great file of atrocities which he could produce, but he would not detain the House with citing them. He wished, however, to refer to an extract from the *St. Christopher Advertiser* of the 10th March, 1835, relative to this case. It appeared from this, that a meeting of the Special Magistrates was held on the previous Thursday, and the case of Ann Mahon came under their consideration. The opinion of the Solicitor-General was taken on the right which the authorities had to inflict such a punishment, and it was to the following effect:—"That, although Mr. Justice Wilson might fairly have considered he was not exercising an unsound discretion in awarding this punishment, yet, that he (the Solicitor-General) was inclined, under the 17th clause of the Imperial Act, to advise for the future, that it be not resorted to by the Special Magistrates." The opinion of the Magistrates varied; Mr. Wilson said, he would adopt the punishment, as he could not see what else was to be done with the young people on the estate.—"Mr. A. H. Rawlins felt it his duty to say there, openly and candidly, that he had, in two instances, given such an order, but that he had done so from a feeling of humanity, and with strict justice to the apprentice and to the master. He was equally bound candidly to say, that he knew at the time that he was giving this order, that it was illegal; but he did it in his discretion, and was prepared to take the consequences—he should continue to exercise that discretion, notwithstanding the opinion of the Crown officer, as he conceived that nothing but the Court of King's Bench had power over the discretionary acts of a Magistrate." "Mr. Fahie considered that he ought to continue such a species of punishment, for he conceived it founded on humanity and sound policy. Two other Magistrates refused to agree to the punishment, and said they never would give such an order." He could mention other cases, but these happened in one colony. The Emancipation Act was to do away with the symbols of slavery, as well as slavery itself, and it was under the conviction, that every trace of such barbarities would be swept away, that the compensation was voted. He proved, however, that the whip, to a limited degree, was still in frequent use. Now, when the noble Lord wanted to get rid of slavery entirely, how did it happen that penal gangs were still allowed in the colonies. Would the House believe, that though the Act of Emancipation declared that no master or overseer could inflict punishment—or put supposed offenders into the penal gang, the practice was still allowed by the 21st clause of the Act of Assembly to which he had already referred.

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* See Hansard, (third series) vol. xvii. p. 1202.

Lord *Stanley* was understood to say, that the clause in question had no reference to such a punishment.

Mr. *Buxton*: All he could say on the point was, he had received the fact as he had stated it; and it was because there was some doubt on the subject, that he called for the appointment of a Committee, to see how far the intentions of the Act of 1833 were answered, and its provisions enforced. The 49th Clause of the Act provided for the punishment of insolence on the part of the negro. This was unquestionably a very indefinite offence, and when the clause in question was under the consideration of the House, it had been asked whether looking a man in the face might not be construed into an act of insolence? For this very vague offence, however, no less than thirty-nine lashes were ordered to be inflicted on the negro. He was certainly of opinion, that if they punished the insolence of the negro, they ought to visit the offence, when committed by the planter, with equal severity. Lord Sligo was of a similar opinion as to the justice of restraining the overbearing conduct of the planters and overseers; for he said, in his despatch of the 13th August, that the negroes were quiet, well-tempered, and tranquil; but at the same time dwelt upon the violence of the overseers, as being calculated to excite them to rebellion. By what measures, then, were the cruelty and injustice of the planters, which ought to be so carefully watched and guarded against, checked and punished? By the 49th Clause of the Act, they got off with the slight punishment of a fine of 5*l*. of that, or 3*l*. 11*s*. 3*d*. of this currency.

Lord *Stanley*: I must inform the hon. Gentleman, that he labours under a misapprehension. The Clause to which he refers, directs that a fine of 5*l*. should be paid on the commission of certain offences; but that clause does not deter the negro from preferring his charge, if he should think fit, before any of the Superior Courts.

Mr. *Buxton* acknowledged, on looking

at the Act, that the Clause contained the provisions stated by the noble Lord; but still he would put it to the House whether, when the offence of insolence on the part of the negro was so severely punished, that that of cruelty, when committed by the planter, should be only visited by a fine of 3*l*. 11*s*. 3*d*. What he was anxious principally to impress upon the House was, that they should not pay over the money to the planters, until they saw that the liberty awarded by it to the negro was in no way curtailed; that the bargain between the country and the planter was fulfilled by them, and that the negro should, in the words of the noble Lord opposite (Lord Stanley) enjoy every right and privilege of a freeman, subject only to the contract of labouring a certain time for his owner. The noble Lord then said, "He proposed, that every negro should, from that day, not after a year or two, but forthwith, be entitled to claim to be put in such a situation as would prepare him to enjoy all the rights and privileges of a freeman—a situation in which he would no longer bear about him any taint of a servile condition." He suspected, however, that certain taints of slavery were allowed still to remain on the character of the negro; he wished to have an inquiry instituted, in order to judge of their existence, and, if possible, to have them removed. He understood, too, that the Colonial Assemblies had passed several Acts incompatible with the spirit of the Emancipation Act, though such laws could not be considered binding until they had actually received his Majesty's consent. He had not the slightest wish to impede the payment of the gift to the West-India planters, but he warned the House against proceeding too hastily with the payment, for if the people of this country found that the same cruelties were practised after as before the passing of the Act of 1833, they must feel regret at the passing of a measure for which they sacrificed so much, with so little benefit to those whom it was designed to relieve. He was satisfied that the negroes were generally quiet under the present system, but there were some instances in which he had been informed that it was not unlikely that they would be forced into rebellion by the conduct of overseers and masters, and that an impediment would be thus thrown in the way of the success of the great experiment which Parliament had made. He was only anxious that justice should be done to both parties, and that the contract, as entered into with the planters, should be strictly fulfilled. He would state one fact, to show that the measure had conferred no slight benefit on the planters. He had been told, that a gentleman in Trinidad had purchased a man and a maid servant for forty dollars, and that the amount of compensation awarded to him for these servants, under the Bill of 1833, was no less than 200*l*. The price of land, also, had considerably increased in the island of Antigua, and in St. John's it had doubled in value. He was not about to propose that anything which the planters received as a boon should be withdrawn; but he called upon the House to see that they obtained those benefits for which they had bargained. The hon. Member concluded by moving, "That a Committee be appointed to Inquire whether the Conditions on which the twenty millions were paid to the West-India planters had been fulfilled."

Sir *George Grey* commenced by observing, that the speech of the hon. Member had not only differed from the Motion of the hon. Member, but that the Motion which he had submitted to the House departed considerably from that of which he had given notice. He assured the hon. Member however, that he was satisfied his conduct was dictated by none but the purest and most honourable motives. The character of the hon. Member stood far too high for humanity, and love of freedom and justice, to leave his motives, on that occasion, open for a single moment to any imputation of a derogatory character; and, therefore, he felt it his duty, in opposing even the amended Motion of the hon. Member, to award him the credit to which he was entitled, by declaring that he felt a perfect conviction that the spirit in which the hon. Member submitted his proposition to the House was that of a man deeply imbued with the feelings of honour, justice, and real humanity. The Motion of his hon. Friend he took in point of fact, to mean that the payment of 20,000,000*l*. to the West-India proprietors should be suspended until a Committee report whether the conditions on which the grant was made had been fulfilled. [Mr. Buxton expressed his assent.] He saw by his hon. Friend, that he acquiesced in his interpretation of the Motion. Now he would just ask, whether the Committee for which he had moved, could by possibility make a Report which would give satisfaction to the House or the country? Was the Committee to inquire into Acts which had been passed by the Colonial Assemblies, or were they to investigate the cases of cruelty said to be committed by planters, proprietors, and Special Constables, throughout all the islands of the West-Indies? If an inquiry, then, was to be instituted into these particulars—and he conceived that on these the hon. Member rested his case—would it be possible for a Committee to come to any impartial, satisfactory decision without communicating the fact of the appointment of such a tribunal to the West-Indies — without acquainting the persons on trial with the nature of the charges which were to be preferred against them, in order that the parties interested might be able to prove or disprove such statements as those which the House had that night heard? Was it possible that the Committee could be called upon to frame its Report on the evidence collected from private letters, newspapers, and such sources, without at least hearing the parties whom they affected, and affording them the opportunity of rebutting such accusations? Were these facts which had been detailed by the hon. Member, and which referred to but a small minority of the islands, to be taken as condemnatory of the conduct of the whole of the planters to whom the 20,000,000*l.* were due; and were those under whose sanction liberty had been established, to be branded with a breach of engagement, because on a few occasions some acts of cruelty had been committed, which he reprobated with as strong feelings of indignation and abhorrence as those by which his hon. Friend was actuated? He did not mean to express a doubt that some transactions had taken place since the passing of the Act of 1833, which disgraced those who took part in them. But was his hon. Friend so ignorant of human nature—had his acute eye fixed itself to so little purpose on this British Act of Parliament—this Charter of liberty to the negro, as not to know that whatever might be the regulations of the Act of Parliament, and however its provisions might be enforced, they could not change the nature of the West-Indian planter, and could not prevent those ill effects which must result from a change by which arbitrary power was wrested from those who were henceforward made responsible for their acts? If the hon. Member foresaw that such occurrences must take place on the passing of the measure of 1833, he should never have consented to its adoption until he received a pledge, that under it every attribute of slavery should be totally abolished, and that no payment should take place until he was satisfied of that event; but the hon. Member took the sense of the House on two occasions relative to his views, and they rejected his propositions when accompanied by such conditions. He thought, therefore, that the contract could not be fairly disturbed, because—without at all wishing to screen or wink at acts of cruelty—individual acts of hardship and oppression might in some cases be adduced. His hon. Friend brought forward the two instances of Antigua and Bermuda, in which he understood him to argue, that the conditions of the Act had not been complied with. [Mr. *Buxton* had excluded them.] He saw no notice of the exclusion in his hon. Friend's Motion. Was it to be understood that his hon. Friend had abandoned the conclusion at which he seemed anxious to arrive from his statements with reference to these islands. Would it be just to say to the planters in the West-Indies, "We agreed to give you this money on one condition; we now propose that you shall receive it on another?" Let the House consider what a bad precedent such conduct on our part would hold out to other nations. He should be sorry to give the slave-owners in the slavery States of America any pretext for a similar step, by enabling them to point to the course which had been taken by the Parliament of Great Britain—by the Representatives of a country renowned for the maintenance of its national faith. While he trusted that in many respects he held the same opinions as his hon. Friend—while he trusted that he entertained similar feelings of humanity for the oppressed, and of detestation for the oppressor, he hoped that he should never be found ready to gratify those feelings at the expense of the national faith and honour, which he hoped a British Parliament would neither now nor at any future period do anything to tarnish or impair. The House could not fail to remember that it was the duty, as it would be the care, of the Government at home to keep a watchful and vigilant eye over the West-India colonies—over every law passed by their Colonial Legislative Assemblies, and the practical execution of those laws; and he (Sir George Grey) on the part of the present Government, would pledge them to the hon. Member opposite, that the fullest inquiry and investigation in a manner most satisfactory to the hon. Member himself should be instituted into every case which the hon. Member could suggest, if the Government was furnished with a sufficient specification of the nature and necessity of such inquiry. He had already stated this to his hon. Friend, who had brought many cases of complaint to him at the Colonial-office, and with respect to some of which his hon. Friend had already put notices upon the books, and he had only requested in instances where no information as to the circumstances could be found among the Records in the Colonial-office, that he should be allowed time for such information to be sent for, and the case thus fully met. To this he had pledged himself to the hon. Member, and on that pledge he had acted; information had been sent for in reference to those cases, and with respect to any other complaints which might be adduced by the hon. Member, or by any one else, the Government would take every means to procure information for the satisfaction of this country, to reduce existing grievances, and to afford protection to the apprenticed labourers. The hon. Member had alluded to acts of cruelty and oppression, but he would, in the absence of information, refer the hon. Member to the character of the Governors of the British West-Indian colonies, men of tried humanity, who would not suffer those acts without at least representing them to the Government at home. It should, however, not be lost sight of, that there were many acts which could not be controlled by them, but, as their despatches generally showed, which arose from that demoralized state and condition of society in the colonies, which was the consequence of the long-continued system of slavery, and which could not in one day be removed. Would any man assert, that the Marquess of Sligo would refuse justice or protection to any class of the subjects of his Sovereign over whom he had been by that Sovereign intrusted to preside? Again, the despatches of Sir Lionel Smith, the Governor of Barbadoes, manifested the position for which he (Sir George Grey) had contended, and he was satisfied that his hon. Friend opposite (Mr. Buxton) would not think that distinguished Officer was playing into the hands of the planters by his system of Government. He would call another witness (Sir Carmichael Smyth, the Governor of Demerara), than whom no man had laboured more strenuously in the protection of the rights and interests of the apprenticed labourers. The effects of the exertions of that Officer had already manifested itself in the improved spirit of the planters in his colony. But to return to the Question more immediately before the House, he must call their attention to the conditions upon which the money was made payable. Those conditions were stated in the 44th section of the Act of Emancipation, which provided, that no part of the said sum should be applied for the benefit of any person now entitled to the services of any slave in any of the colonies aforesaid, unless an order "shall have been first made by his Majesty, with the advice of his Privy Council, declaring, that adequate and satisfactory provision had been made by law in such colony for giving effect to this Act, or unless a copy of such Order in Council duly certified shall have been transmitted to the Lords of the Treasury for their guidance and information." The effect of this clause was to delegate to his Majesty's responsible advisers these duties, and he would ask, how it was possible for this House to make away a right made indefeasible by this Act of Parliament, and at the same time place in the hands of a Select Committee the powers of the Government to withhold payments legally demanded and chargeable under and by virtue of this Act.

Mr. *Fowell Buxton* said, that if the hon. Baronet would refer to the 16th section of the Act, he would find that after reciting the various regulations necessary for giving effect to the Act, it provided that "nothing therein contained should be construed to extend to prevent the enactment by the respective governors, councils, and assemblies, of laws and ordinances necessary for that purpose."

Sir *G. Grey* was perfectly aware of the provisions of the clause to which the hon. Member opposite had called his attention, and only regretted that the hon. Member had not read the remainder of the Clause, for the House would then have seen that it was nevertheless provided that any enactment, regulation, provision, rule, or order, which should in anywise be repugnant or contradictory to the act should be void, and of no effect. The object of this was manifest, for it was impossible at once to legislate in detail, and it was therefore necessary to leave it to time to judge of the propriety of such regulations, and for carrying into effect the great principles of the Emancipation Act. So also in the 23rd section, it was provided that acts passed by local legislatures with similar, but improved, enactments to those contained in the measure of slave relief, should supersede the provisions of the latter on being confirmed by his Majesty in Council. He was, however, prepared to say, that as yet no such instance had occurred as that for which this 23rd section provided, and every enactment of the original measure still remained in full force and effect. How, then, was the House circumstanced at the present moment with respect to the colonies? The hon. Member for Weymouth had thrown aside, and out of the scale, the situation of Antigua and the Bermudas. The next in order were Trinidad, the Mauritius, and St. Lucia. In those colonies no local legislation had taken place, but orders in Council had been issued by his Majesty, against which no remonstrance had been made, and yet the hon. Member for Weymouth would withhold the money until he was satisfied that in enacting those ordinances right had been done. The three next colonies were Honduras, British Guiana, and the Cape of Good Hope. From them ordinances in furtherance of the Emancipation Act had been sent home—had been amended and altered by the Government here, and on being returned so altered had been adopted and were now in full force and effect. He would next inquire what degree of justice would it be to say to the slave-proprietors of these colonies. "You have passed inadequate and unsatisfactory ordinances, which the Government of the day at home have altered; so altered, you have submitted to them, and under them the apprentice labourers are in peace, yet we will not pay you that to which we are pledged (because we may have been wrong) until a select Committee of the House of Commons shall have gone through them and pronounced an opinion upon their propriety?" Surely the hon. Member for Weymouth would not hesitate to exclude together with Antigua and the Bermudas, these six colonies from the sweeping effects of the Motion which he had submitted to the House. The authorities in the Cape of Good Hope were entitled to some extraordinary good feeling, inasmuch as they had reduced the period of apprenticeship by two years. For this, at least, they were entitled to some credit on the score of humanity. The hon. Member for Weymouth had dwelt much upon the other West-India Colonies, which he (Sir G. Grey) had not yet named, and of these he would first allude to the island of Jamaica. With respect to what had fallen from his hon. Friend, in reference to the declaration made by his noble Friend (Lord Stanley), that the Act of the Colonial legislature of Jamaica transmitted to the Government, of which his noble Friend had formed a part, a declaration made advisedly and under responsibility, his hon. Friend must make out that Parliament was called upon for that declaration to censure in the most marked manner possible the conduct which had in that instance been pursued by his noble Friend. He doubted not that his noble Friend would be fully able to justify himself; but he (Sir G. Grey) would not on the part of the present Government shrink from any portion of responsibility which might attach to the Administration by which that important decision had been come to. It was but due to his noble Friend and to the House to state further, that his Majesty's present Government was satisfied that the course pursued in that instance was correct, and that by it they were prepared to abide. With regard to the spirit in which his noble Friend behind him (Lord Stanley) had dealt with the West-India Colonies, he could cite extracts from the printed papers before the House, but this he at present thought to be unnecessary. He would, however, refer his hon. Friend opposite (Mr. Buxton) to the despatches in 1832 of Earl Mulgrave,—a nobleman from whom his hon. Friend could not differ in sentiment, who had held the Government of Jamaica in times of great difficulty and delicacy, and who instead of subjecting himself to reproach had won for himself immortal credit. That noble Lord was the organ of communication between the Government at home and the colonial interests in Jamaica, and with the means of information which he possessed, was the best guide for the Government here to take, and whose opinion as to the act of the Colonial legislature in furtherance of the Emancipation Act was entitled to the fullest weight. The noble Earl in his despatch communicated to the Government, that the act had passed the House of Assembly through all the stages except the last, which was one of form, and that on the first point, that of the general principles of the measure, he did not think there existed the slightest ground of complaint, for many of the provisions of their (the colonial) act had adopted the very words of the English measure of the Emancipation. On the second point—viz. the details and minor points, the local Legislature desired a postponement, in consequence of a difference of opinion upon those details and minor points prevailing amongst themselves; but in order to afford the British Government a substantial proof of their sincerity they expressed their full approbation of the measure passed by the Imperial Parliament. With such information before it, could the British Government withhold its approbation of the colonial act thus described and would the House then consent to censure such approbation declared by his noble Friend behind him—Lord Stanley? He would also repeat his inquiry, whether this measure, on the part of the Colonial legislature, could, in the remotest degree, affect that indefeasible right to a share in the receipt of that sum, for the payment of which the British Government stood pledged to the colonies generally? To the Government of Earl Mulgrave that of the Marquess of Sligo succeeded, and the latter nobleman had enforced upon the colonists of Jamaica the necessity of filling up those defects which prevailed in the preceding local legislation, and to remedy them in a supplemental Bill. The Colonial legislature acceded to the suggestion in all points but two, and those two points the Marquess of Sligo, from his local knowledge, was enabled to inform the Government at home were impracticable. Hence it was manifest the House of Assembly had throughout shown a determination not only to accede to suggestions, but to uphold both the letter and the spirit of the Slavery Abolition Act, and to carry out into effect its details and its principles. Would the House, then, now agree with his hon. Friend, the Member for Weymouth in censuring the Act as inadequate and unsatisfactory? Reference had been made by his hon. Friend to a Colonial Act of Assembly passed in 1834, and he concurred with his hon. Friend in the opinion that it did not show that good spirit in the Legislative Assembly of Jamaica which he could have wished but he must again remind the House, that he distinguished between the feeling of the Legislature and that of the residents generally in that colony. The whole population was not to be included in any censure to which that measure might give rise. It had been transmitted to, and was now under the consideration of, the Government, and would be dealt with without reference to party or colour. It had been stated that it was intended there should be no restriction upon the apprentice labourers during their servitude, but the Act of Parliament itself had in terms provided punishment for insolence of conduct and insubordination during that period, and the British Legislature was in this respect alone to blame, as the Colonial Legislature had only carried out those provisions, awarding (as we understood) the amount of punishment. By the 22nd section of the Act, the military, civil, and other franchises, to which the negro apprentice was entitled, were also strictly and scrupulously maintained, and the Colonial Act did not infringe or trench upon those rights and privileges, so that, on that head, no censure could attach. With regard to St. Kitt's, Nevis, Tobago, and the other colonies, they had passed ordinances, which, after amendment at home, had finally been adopted by them. The Virgin Islands had as yet furnished no act, and until their acquiescence was received they would not be entitled to any share of the compensation. On the whole, he contended that his hon. Friend (the Member for Weymouth) had shown no grounds for the censure which his motion (if carried) would cast upon his noble Friend (Lord Stanley), and the Government to which he was attached; he had shown no grounds for taking this measure out of the hands of the responsible advisers of the Crown, or for removing from them those powers which had been delegated to them by an Act of the Legislature, and thus hold them up as being unworthy of watching over the important interests of the British colonies, and disqualified for the stations which they had been called upon by their Sovereign to fill.

His hon. Friend must make out a case of this kind to justify the introduction of a Bill, for such it must be (which many hon. Members would not support, though a few might vote for a Committee of Inquiry), to render defeasible those powers already conferred. The House, in considering the present Motion, ought not to forget that on the faith of the payment of the awarded compensation in the course of the ensuing autumn, engagements had been entered into, and the result of the postponement, which must be the consequence of the appointment of the proposed Committee, would lead to most disastrous commercial effects. He trusted that Parliament would not re-open this question, but that, on the faithful performance of the conditions contained in the Act of last Session, it would pay this money according to the pledge which it had already given. There was one other branch of the subject which, though it was not connected with the point of money, required some observations on his part, after what had fallen from his hon. Friend the Member for Weymouth; and that regarded the conduct of the stipendiary Magistrates. Now, he concurred with his hon. Friend in saying, that the powers vested in the stipendiary Magistrates ought only to be confided to impartial men, who in all controversies between the masters and the apprentices ought to have no bias either to one or the other, and who, acting fairly and indifferently on their responsibility to the Local Government, and through the Local Government to the Government at home, could be looked on with confidence by every class of the community among which they were sent to administer justice. He admitted that there had been a grievous miscalculation as to the number of local stipendiary magistrates necessary to carry the law into effect. It had been thought that 100 magistrates would be sufficient; but that number was too small, and it therefore became necessary for the governors of several colonies, acting upon the discretion with which they were vested, to appoint individuals to occupy that wide unoccupied field, which it was quite impossible for 100 magistrates to occupy. What then was the course pursued by the Government? It had been made a subject of complaint against Lord Sligo by the Colonial Legislature, that he had refused to grant this special commission to the local magistrates generally. Lord Sligo had placed in the commission persons resident in the colony; but in no one case had he placed in it any person interested in apprenticed slavery. The hon. Baronet then proceeded to read a dispatch sent by Lord Sligo to Mr. Spring Rice, descriptive of the measures which he had adopted on this subject, and also part of the reply sent by his right hon. Friend to that despatch. Did his right hon. Friend content himself with cautioning Lord Sligo how he filled up these commissions? No; he called on his Lordship to state the number of stipendiary magistrates sent out from England, who were able to perform the duties imposed upon them with ability and impartiality, and upon receiving that statement, he declared his intention of sending out such a number as would enable the executive Government to meet all the exigencies of its new position. His noble Friend, Lord Aberdeen, in augmenting the number still further, acted on the same principle as that on which his right hon. Friend had acted. The House would find, on looking at the Estimates for this year, that there was a charge for 135 stipendiary magistrates to be voted. Of this number 35 had been added by Lord Aberdeen, acting on the same great principle of their being impartial men, unconnected with the colonies. Lord Glenelg had carried the principle still further, for he thought that it was better that Parliament should grant a larger sum of money to defray the charge of a greater number of magistrates, than leave their present power in the hands of the local magistrates. He had, therefore, sent out instructions to the Governors of all our colonies in the West Indies, and also to the Governors of the Cape of Good Hope and of the Mauritius, ordering them to withdraw the special commission from every magistrate who was a planter in their governments. He also ordered them, in filling up such commissions as might become occasionally vacant, to select men who were not planters, but who were as free as possible from all local bias or interest. It was clear, that if the special commission was withdrawn from the local magistrates, an additional number of stipendiary magistrates must be employed. It was therefore now proposed to put twenty-five more into the commission. When the charge for them came to be voted, it would be for the House to decide whether it would agree to appoint that increased number, or whether it would leave a number of these special commissions in the hands of the local authorities. His noble Friend at the head of the Colonial Department had not adopted this course, because he had received intelligence from the colonies that the local magistrates had abused the powers with which they were vested by the special commission. Indeed, he had informed the local governors that those powers had not been withdrawn from any notion that they had been abused, and had commissioned them to communicate to the local magistrates the thanks of his Majesty for their services in any way which they might deem to be most agreeable to their feelings. With regard to the report which his hon. Friend had read from a colonial newspaper, respecting the observations which had been made by several of the magistrates, at a meeting of the magistrates assembled to consider the legality of whipping females, he had only to observe that he had not seen it. He understood, however, that in the island where it occurred the Solicitor-General had written to the authorities at home stating, that doubts had arisen upon the legality of that practice, expressing his wonder how they could have arisen, since it was clearly prohibited by law, and declaring his intention of remitting, till he heard from home, every sentence of every magistrate which should impose so improper a punishment. This functionary, in his opinion, was perfectly correct in the view which he had taken of the law, and he insisted, that by the Act of 1833, the power of flogging females was entirely taken away. He pledged himself to his hon. Friend, that if he (Mr. F. Buxton) would state to him any case of misconduct on the part of any stipendiary magistrate, it should be instantly examined into; and that, if it were proved, that stipendiary magistrate should be dismissed. In making this statement, he was not giving his hon. Friend any vague or indefinite pledge, for it was in strict consistency with the past conduct of the present Government, of the late Government, and indeed of every Government which had anything to do with the question. His hon. Friend had said, that there must have been misconduct, as some of the special magistrates had been dismissed. Undoubtedly it was so. Lord Sligo had reported some such cases to the Government at home, and the conclusions to which his Lordship had come upon them had been confirmed by the Colonial Department in this country. In other cases where the misconduct seemed to arise out of an error of judgment only, a reprimand had been deemed a punishment sufficiently severe upon the magistrates, and, therefore, in such cases the special commission had not been withdrawn. He assured his hon. Friend, that the most vigilant circumspection had been used, and would continue to be used, by the Government at home, and by the Governors of our colonies abroad, over the stipendiary magistrates; and he did not think that any act of misconduct, oppression, or cruelty would be committed by them without drawing down upon them, as occasion might require, a reprimand or dismissal. If his hon. Friend would bring forward any cases of misconduct, cruelty, or oppression, he pledged himself on the part of the Colonial Department, to grant a full and patient inquiry into them; but be thought that until the Government had been convicted of being either negligent, or partial, or cruel, his hon. Friend ought not to call upon the present Parliament to take from the Government that power which a former Parliament had confided to its care, nor to disgrace the Government by calling on the House to accede to a proposition which would affix the bitterest stigma upon it. The hon. Baronet then proceeded to express his concurrence in the statements which the hon. Member for Weymouth had made, to prove that the negro was capable of being moved by the stimulus of wages, and that for wages he would willingly work. He could corroborate that statement from other quarters. He had heard from a relation of his own residing in Antigua, that with a less amount of labour his estate had been more productive last year than it had been in the years 1832 and 1833, before slavery was abolished. He, therefore, hoped that the House would consider itself bound by the law which had abolished slavery. He conceived that nothing could be more injurious to the colonies, and indeed to the country at large, than to consider any questions which had been settled by law as open questions. The experiment of the Abolition Act had succeeded to a greater extent than its warmest friends had anticipated, and it was a glorious reflection for those who had made it, to know, that during the ten months which had now elapsed since the 1st of August, 1834, when it first came into operation, not one act of violence or injury had been committed upon any white, and that not more than one black man had been hurt out of a population of 800,000 negroes, whom it was still necessary to keep in subordination. He was happy to say, that a better feeling between the master and the apprentice was daily growing up in the West Indies. The letters of Lord Sligo (which he read to the House) were full of the most satisfactory proofs that the growth of this kindly feeling was uniting all classes, rich and poor, black and white, together for the protection of their common interests. If the House wished to promote a union so desirable, it would not sanction the present Motion for a Committee; for if that Motion were carried, the payment of the money would be suspended for a year at least; and believing that such a suspension would be injurious to the national honour, that it would be derogatory to the national faith, that it would be ruinous to thousands, and that it would exasperate the white without benefitting the negro population, he should oppose it to the utmost of his power. He felt that he had performed very inadequately the task which his official duty had that evening imposed on him, but he still hoped that the House, listening, if not to his arguments, to the arguments of those hon. Gentlemen who might rise after him, would pause before it entertained the present Motion, and that it would be convinced of the paramount necessity for taking such a dangerous step, before it ventured upon a measure which would impair the national character for justice and good faith, which he was sure that his hon. Friend would be the last man to injure under the sanction of his name and respectability.

Mr. *Buckingham* said, he was glad that he had given way to the hon. Baronet, the Under Secretary for the Colonies, as it had enabled him, in common with the House, to enjoy the advantage of listening to the very able and satisfactory speech of that hon. Gentleman—able from the clear and convincing manner in which the statements had been laid before the House, and satisfactory, as containing the solemn declarations and public pledges of his Majesty's Government to see the Abolition Act carried into effect in all its integrity, as far at least as their power and authority could achieve so desirable a result.—As, however, he (Mr. Buckingham) had taken a very deep interest in the Question of Slave Emancipation from an earlier date than the proposition for abolishing slavery in that House; as he had taken part also in the discussions on the Question while this great charter of negro liberty was passing through the House, he hoped he might be forgiven for desiring to say a few words on this occasion. In reverting to the discussions on this Question, he could not help recalling with pleasure the fact, that he had always contended for immediate emancipation without delay and without price; and the result had but too clearly proved that in so contending for this right of the slave, he had seen somewhat more clearly into futurity than those by whom this immediate and uncompensated emancipation was opposed;—for it was now shown that the labour of the same individual after his emancipation, was worth more to his employer than while he was a slave; and that estates on which the slaves were set wholly free, were of greater value to their owners after that event, than they were before: which must clearly show that compensation was unnecessary, as the planters were, by the abolition of slavery, benefitted instead of injured; and to give them twenty millions for a change which had turned out as was predicted to be to their advantage, rather than their wrong, was a reckless waste of money, to call it by no milder name. While, on the other hand, the complete success of the experiment of immediate abolition, as tried and proved in Antigua, and the Bermudas, shewed that the apprenticeship was as unnecessary as the compensation; and that both might have been safely dispensed with, by which the enormous cost to the nation, and the six years of suffering to the apprentice might both have been saved. It might be perfectly true, according to the language of the hon. Baronet (Sir G. Grey) that there could be no benefit in discussing these subjects from day to day. But on the other hand he (Mr. Buckingham) was perfectly satisfied that there was great utility in discussing it occasionally: for the facts elicited in such debates would go forth to the world, and produce their proper influence on the Colonies, and on the mother country. It was for this reason that, though he was gratified with the sentiments and declarations made in the name of his Majesty's Government by the hon. Baronet opposite, he was at the same time of opinion, that the House and the country ought to feel glad that the hon. member for Weymouth (Mr. Buxton) had introduced the subject for discussion. In reply to that hon.

Member's statements, it had been shown, and he thought satisfactorily, that the Government were not themselves parties to any breach of contract in the matter, and that they had taken such steps, by the purification of the local magistracy especially, as were likely to check any disposition to such breaches in future, among those functionaries. But at the same time, it could not be concealed, that faithfully as England and the English Ministry had done their duty, the colonial authorities, hitherto, at least, had not so well performed theirs;—and surely in the bargain made there were two contracting parties, from each of whom certain conditions were to be exacted, as the act prescribed. Every one who remembered the discussions on the act must remember that when the originally proposed loan of fifteen millions was transformed as if by the suddenness of magic, into a gift of twenty millions: the reason urged for such a rapid and immense advance was this:—that it was a large sum it was true—but then, it was to purchase freedom for the slave—to give liberty to the captive—to abolish corporeal punishment by the whip—to place the African on a level with the European in the administration of justice, and, in short, to secure to the negro—save and except only the reservation of a portion of his daily labour for his former owner—all the rights and privileges of a free man: and it was asked triumphantly, whether the British nation, in its high feeling of chivalrous devotion to freedom, would not readily pay even this large sum as a munificent sacrifice on the altar of justice. But what if the sacrifice were to be made, and the justice to be still withheld, surely this would be a source of deep regret and disappointment to those who were to pay the money. The twenty millions were to be given to purchase certain substantial and valuable blessings to 800,000 of our fellow subjects, and if these substantial and valuable blessings were not attained by the payment, then was it a mockery to talk of the compact being faithfully fulfilled. The House should see, then, how the matter stood, for he (Mr. Buckingham) should be able to prove to them, not from mere newspaper paragraphs, but from authentic and undoubted authority, that in the island of Jamaica, at least, the conditions have not been fulfilled. He would not go through all the details of those conditions, but he would select only three, and they were these:—first, that the flogging of females by the whip should cease after the first of August 1834:—next, that the apprentices should be put in a condition to obtain their manumission at a fixed and moderate rate:—and lastly, that justice should be impartially administered between the negro and his master in all cases of dispute. He would prove, then, that these conditions had been grossly violated in the letter and in the spirit, in Jamaica at least, and he would argue from this, that the owners by whom such violations had been perpetrated, ought to have their individual compensation suspended until satisfactory explanations, if that indeed were possible, had been given of their conduct. The authority he was about to cite was that of Dr. Madden, who had been sent out by the government of this country about two years ago as a stipendiary magistrate, to Jamaica: but who, after residing there for more than a year, and endeavouring to do his duty in a truly English spirit, being determined to uphold the integrity of the Abolition Act, and protect the negro from oppression, had met with such persecution from the local magistrates and persons connected with the planters, and the Colonial Union, that he had felt himself obliged to give up his appointment in disgust, and return to England; though, in proof of the general excellence and propriety of his conduct, he had received the most valuable testimonies as to his zeal, ability, and irreproachable conduct, from the two Governors of Jamaica, Lord Mulgrave and the Marquess of Sligo. This gentleman had resolved to publish his observations on the state of society in Jamaica which were now passing through the press, and would appear in a few days, under the title of "Twelve Months in the West Indies." The work had not yet been published: but Dr. Madden had favoured him (Mr. Buckingham) with an early copy of such sheets as were printed; and from these as he held the fragments of those volumes in his hands, he would cite the passages adverted to, to show that in these three particulars, the abolition of flogging of females the self-redemption at a fixed and reasonable rate of the apprentices, and the impartial administration of justice, the planters and magistrates of Jamaica had grossly abused their powers and forfeited all claim to compensation till these acts were satisfactorily explained. The following were two cases only, among many, of the female floggings. He said:—

> "The negroes are prone to shamming when they want to escape from labour; but the result of this propensity is, that every sick negro

is suspected of being a shammer. On one occasion, a woman was pointed out to me as a shammer by an overseer. The woman was limping before the Busha's house, and when I asked what was the matter with her, I was answered, 'Oh, nothing at all, Sir, the woman is shamming lameness.' I asked had she been seen by the doctor? I was told that she had, and had been recommended a dose of salts. I said to Mr. Jerdan, who was with me, 'That is no shamming; observe how the woman drags her left leg after her, call her and see if she can raise her left arm to her head.' The woman was told to do so, but she could only lift it with her other hand. I said to the overseer, 'This young woman, Sir, is not shamming, she is dead of one side, and she is not able to work.' I was assured if such was the case, she should not be required. In the course of three weeks (when I happened to be absent in the parish of St. Mary,) the same paralytic woman, I was informed on my return, had been to my house with a complaint which she would not go away without making to my wife; she was crying a good deal, and stated that for refusing to work she had been flogged on her paralytic hand."—

Such a case as this needed no comment: and he (Mr. Buckingham) would offer none, but leave it in the words of the writer. There was another case, however, more touching still. It was this:—A woman was brought to Dr. Madden by the overseer, as a *shammer*, and she had been flogged before, but without effect, as she still persisted in her having a pain in the skin, which is the usual mode of describing pains in various parts of the body. After a description of the first interview, Dr. Madden said:—

"I begged the overseer to withdraw, and again urged her to tell me what was the matter? I could learn nothing except that the marks of a recent flogging were very visible. I imagined it was the effects of this punishment she meant by 'pain in the skin.' I told her I saw nothing at that time to disqualify her for labour. I called the overseer in, and requested him to allow her some customary gratuity, which had been withheld as a punishment; and that the woman would and must go to labour. The obstinacy of this perverse woman now began to give way; she burst out a crying and said, "Well, Massa! God judge one day 'tween you and me!" I again urged her to inform me of her illness: it was in vain, however; but I satisfied myself there was no shamming in the case. The unfortunate woman was labouring under one of the most awful maladies a female is subject to."

He would pass, however, from this painful and revolting picture, to the part of Dr. Madden's work in which he speaks of the self-redemption of the apprentices; and this was so remarkable, that he must beg to request the special attention of the House to it. The writer said:—

"The eighth clause of the amended Abolition Act enabled the apprentice to redeem himself from servitude, upon payment to his master of the appraised value of his services. This clause, had it been so worded as to prevent the misconstruction of its intent would have been the most valuable clause in the whole Act. But, as it stands, the power of procuring a reasonable award is so limited, that I have lately been obliged to dissuade almost every applicant from applying for a valuation. The Corporation have proved stronger than the British Parliament. When a negro applies to the special justice to purchase his liberty, the latter calls upon the master to appoint a local Magistrate to proceed to a valuation. When the two Magistrates meet they name a third, who must also be a local Magistrate; and according to the age, sex, health, and occupation of the negro they ought to decide. There is one thing obvious at the first glance; there are two local Magistrates and one Special Justice; and it is evident that the interests of the slave-owner have been most looked to in this arrangement. The matter respecting the mode of conducting the valuation is so vaguely expressed in the Act, that the amount to be adjudicated is left entirely to the discretion of the Magistrates, without any reference to the scale of valuation; and this unfortunate defect has been the occasion of an immense deal of misunderstanding between the special and local Magistrates. In some instances the estimate has been as high as 170*l.* a sum for which no negro has certainly been sold for many a-year in Jamaica: in others it has been as low as 20*l.* for an adult, and from 10*l.* to 15*l.* for children; which, being in currency, is about one-third less in sterling money. In Kingston I believe there have been more applications for negroes to purchase their liberty, than, I believe, in all the rest of the island, with the exception of Spanish Town. In all eighty apprentices have obtained their freedom before me, either by valuation or by mutual agreement: and the average valuation has been 25*l.* each. In one instance a tradesman was valued at 80*l.* in the others it varied from 16*l.* to 35*l.* I have now been almost a-year in the island: I have attended a great many slave sales, and I have seen no negro sell for more than 30*l.* and I believe the very last slave that had been levied on for an owner's debt, and sold in Jamaica, I saw put up on the day previous to the 1st of August, on the steps of Hasty's Tavern, in this town Kingston, the last exhibition of this kind that was to disgust the beholder; and in this instance the property put up was a young woman, strong and healthy, and she was knocked down to the highest bidder, which happened to be the only one, for 5*l.* 6*s.* 8*d.*

Here, then, was a case for inquiry which might well demand the earliest and most earnest consideration of the British Government. Hon. Members would no doubt recollect the two great arguments by which this unnecessary prolongation of slavery under the new and inappropriate name of apprenticeship was defended. First, it was said to be indispensable, in order to prepare the slave for the otherwise too sudden transition from a state of slavery to a state of freedom; a precaution shown to be wholly uncalled for, as the experiment tried in Antigua and the Bermudas, of immediate emancipation, had been most successful, and would have been equally so everywhere else. Secondly it was said to be an additional compensation given to the slave owner by presenting him with the value of six years labour at a reduced rate, in addition to the compensation of twenty millions; and this, no doubt, was its real nature in the eyes of the planters themselves. But according to the testimony furnished by Dr. Madden, these apprentices were forced to pay for the redemption of their term of six years labour, a much larger sum than slaves usually sold for before the Abolition Act was passed at all; so that in such cases, at least, the planters would first get the full value of their slaves in their share of the twenty millions Compensation Fund, and then be paid a second time by having more than the full value by the excessive redemption price; thus getting repaid thrice the original purchase money for their slaves—once in the labour and profit had out of them in their previous state of slavery—a second time in the compensation money paid by the nation; and a third time in the self-redemption of the slave at a larger price than all and thus performing a treble robbery; for the first act of making a man a slave was an unjustifiable wrong; the second of asking compensation from the public purse was an aggravation of that wrong; and the third of demanding compensation from the unhappy slave himself, whom the nation had already redeemed, was an accumulation of wrong, that it required more than usual hardihood and effrontery to perpetrate and defend He (Mr. Buckingham) would come now, however, to the concluding portion of the case, and shew, from the undeniable testimony of Dr. Madden, that besides the flogging of females, and the exorbitant demands for manumission, there was nothing like impartial justice administered between the negroes and their oppressors. The following were only a few of the cases that he would venture to cite from Dr. Madden's pages; he said:—

"Since August, 1834, various outrages have been committed by white people on negroes. One planter has been indicted for shooting at an old woman, and, after wounding her severely, discharged the second barrel at her, but fortunately without effect. The Grand Jury ignored the bill—Another gentleman was indicted at the October Court, for outrage on a sick negro woman. The Grand Jury ignored the bill. Another planter was indicted for the murder of his negro, by shooting him, and was sentenced to nine months' imprisonment.—Another gentleman, an overseer, was committed to gaol a few weeks ago, for the murder of a boy, by shooting at a number of negroes assembled in a hut, in the act of singing hymns. He has not been yet tried, but from the exertions making for him I have no expectation he will be convicted.—Another gentleman was tried in October last, for causing one of his negroes to be severely torn by dogs, for going without permission to bury his wife, who had been dead three days, and had been refused sufficient time to prepare her coffin. The strenuous exertions of the Chief Justice obtained a conviction: he was fined 100*l*.—But in the majority of cases convictions are not to be expected: Such cases are not given on newspaper authority. I have taken them from the sworn informations. Is this a state of things to be remedied under the present system? In my opinion it is not."

It was unnecessary to add anything to these recent and vivid, and he feared too faithful pictures of West-Indian Society, drawn by the pen of one whose testimony was unquestionable. With these statements he would leave the case to the judgment of the House and the country; and whatever might be the fate of the Motion of the hon. Member for Weymouth, he (Mr. Buckingham) should feel that he had endeavoured to do his duty towards the poor oppressed negro, by drawing the attention of the people of Great Britain by whom the twenty millions were to be paid, to the violations of good faith on the part of those towards whom, in a moment of reckless extravagance, which he would not dignify by the name of justice or generosity, this immense sum had been voted in payment for that liberty, which the slaves ought never to have had taken from them, and which it should not have cost either them or the country a shilling to regain.

Mr. *Clay* merely rose to ask whether his hon. Friend, the Member for Weymouth, after the very able, eloquent, and satisfactory speech of the right hon. Baronet (Sir George Grey) would think it necessary to persist in his Motion? In his opinion nothing but a positive breach of faith on the part of any of the Colonial legislatures could justify the Government of this country in withholding the amount of compensation which had been voted by the British Parliament; and it did not appear to him, from anything which had been stated by the hon. Member for Weymouth, or from anything that he had heard from the Colonies themselves, that any such breach of faith had taken place. The exculpation of the Government from the charge of negligence, too, was, he thought, most complete, and he thought the task might now be safely left to the Government of working out the details of the measure which had passed last Session. He happened to know that large commercial transactions had been entered into on the faith of the payment of the money, and any breach of that faith would be attended with most disastrous consequences. If the hon. Member should divide the House on the Question, he would find that he would lose the support of many sincere friends to the cause he advocated, and it would not be well to let it appear to the public that there was even the appearance of a falling-off in the numbers of those who were in that House the promoters of negro emancipation. He trusted that the hon. Member would see the propriety of withdrawing his Motion.

Mr. *O'Connell* would also implore his hon. Friend to withdraw his Motion. Every object that he could have in bringing it forward must have been amply answered in the speech which had been made by the right hon. Baronet. He (Mr. O'Connell) derived a consolation, and an assurance that the views of negro emancipists would be fully met, not only from the propriety and accuracy of the materials of which the right hon. Baronet's speech was composed, but also from the liberal spirit which pervaded and gave a character to every passage of it. From all that had been stated, the hon. Member must now be satisfied that all those abuses of which he complained were watched over with a vigilant eye friendly to the Emancipation of negroes, and willing to punish any acts of oppression on the part of their tyrants. Opposed as he had been to the original grant of twenty millions, he still felt bound to say, that the country had now ample value for the money. Feeling, as he did, that there never was a man so well formed by every qualification to advocate the cause of suffering humanity as the hon. Member for Weymouth (Mr. F. Buxton), he still felt confident that he might safely leave the matter in the hands of the Government.

Mr. *Fowell Buxton*, in reply, said, he felt that the speech of the hon. Baronet (Sir. G. Grey) must have made a deep impression on the House; and, accompanied as it was by numerous suggestions from the friends of emancipation, he felt that he had no alternative. He felt that it was indispensable on his part, wishing to do the best for those of whom he was the humble advocate, to withdraw his Motion. The Government had now taken upon itself a greater responsibility than it had hitherto done in carrying the measure of emancipation into effectual operation; and he had no doubt they would do all that was possible to effect that object. It never was his intention to withhold the twenty millions, but that its payment should be accompanied with the intimation that Government was pledged that the intention of the Legislature should be carried into effect.

Motion withdrawn.

SUGAR DUTIES.] On the Motion that the Order of the Day for the House to resolve itself into a Committee of Ways and Means being read,

Mr. *Cutlar Fergusson* presented a Petition from the East-India Company for a reduction of the duties on sugar and other articles, the produce and manufacture of British possessions in India. The right hon. Gentleman supported the prayer of the petition. Our possessions in India stood upon a footing distinct from that of any colony at any time possessed by England. That immense empire had been acquired without the charge of a single shilling to the State. India had paid the expenses of those very armies which had been employed in its subjugation. The claims of India were well entitled to the favourable consideration of Parliament. She had been under the necessity of remitting to this country—for the purpose of paying political and other charges, for which she had no return—a sum amounting, annually, to 2,400,000*l.*; and by the Act which was lately passed, additional charges had been imposed upon her to the extent of 800,000*l.* a-year. This enormous sum was paid from the revenues of India, and all that India required was, that common justice should be done to her. Hitherto she had received nothing but the greatest injustice at our hands—injustice which we could not repair, unless we materially altered the whole system of our policy towards her, and, particularly, those fiscal regulations by which she was oppressed. It was extraordinary that India—the most distant of all our possessions, and which ought, on that account, to have had every allowance made in the way of duty—had been subjected to an increase of fifty per cent. on all her chief articles of produce, beyond that imposed on the produce of the West-India colonies. East-India sugar paid a duty of 32*s.* per cwt., and West-India sugar only 24*s.* Coffee, the produce of the East Indies, paid a duty of 9*d.* per lb., whilst, from the West Indies, it paid only 6*d.* Here was a case in which the House was called upon to interfere. India had not only to complain of the different scale of duties charged on her produce from that levied on produce of the West Indies, but she had, in addition, to complain that the cottons and muslins of England paid a duty of only two and a-half per cent. in India, while those of India were charged ten per cent. here. Upon the silks of India there was a duty of twenty per cent., whilst those of England paid only two and a-half per cent. in India. English hardware and woollen cloths were imported into India duty free. The gradual decrease of the importations of the manufactures of India into this country were extraordinary. In 1804, the importation from India into this country, of three articles, amounted to 2,072,612*l.*; in 1814, it was reduced to 1,266,608*l.*; in 1833, it amounted only to 316,000*l.*; and now it was altogether ceased. He would next show how much this country had gained, while India had been losing in the proportion he had just stated. In 1804, the value of our exportations of piece goods to that country was 31,943*l.*; in 1814, 109,480*l.*; and in the year 1833, it amounted to the sum of 1,528,880*l.* In the district of Dacca, 500,000 persons employed at the loom were reduced with their families, to misery and want, by the substitution of our manufactures for the manufacture of India. He had stated in substance the injuries which India had received by reason of the system pursued towards her. It was time that this injustice should cease. India asked fair treatment—she asked no favour—no preference—she claimed that which in justice and in right ought never to have been denied to her—to be put upon an equal footing with our other colonies.

Mr. *Crawford* had a similar petition from a considerable body of the merchants of London to present, but he would make no observation after the able statement of the right hon. Gentleman.

Petition to lie on the Table.

The House resolved itself into a Committee of Ways and Means.

The *Chancellor of the Exchequer* said, that as his hon. Friend, the Member for Liverpool (Mr. Ewart) had given notice of a Motion upon the subject, to which the petitions just presented related, perhaps it would be as well that he (the Chancellor of the Exchequer) should pave the way by moving a Resolution. On accepting office, it undoubtedly became one of his first duties to consider the very important Question which was then about to be brought before the Committee; and having collected, from several different sources, but, at the same time, sources in which he placed the utmost confidence, that the Question had been brought under the consideration of the late Government, he naturally felt desirous of ascertaining in what condition it had been left by them. When the present Government came into office, he (the Chancellor of the Exchequer) found that a very general impression had gone abroad, that it was the intention of their predecessors to renew the sugar duties for the present year, according to the scale now existing. That being the case, he (the Chancellor of the Exchequer) became anxious to ascertain whether it were the fact or not; because he felt that at all times, and more especially at a period when the value of colonial property was rapidly fluctuating, that if there were one duty more incumbent than another upon those who were called upon to discharge the offices of Government, it was not lightly to abandon any engagement, or to disappoint any expectation which might have been held out by those who had previously composed the Administration. If, in addition to all the other inevitable inconveniences consequent upon a change of Government, all the implied or expressed engagements made by the retiring Government were to be disregarded by that which succeeded it, the consequences to a commercial country like this could not be other than calamitous. Acting upon the indistinct information he had received, he (the Chancellor of the Exchequer) had felt it his duty to ascertain positively what the views of the late Government had been, when he found that no definite engagement upon the subject had been entered into by them. He collected especially from the right hon. Baronet, the Member for Tamworth, that he (the right hon. Baronet) felt himself perfectly free to deal with the subject as he should think fit if he had continued in office. But whilst he (the Chancellor of the Exchequer) made that statement—whilst he felt it to be his duty to make it for the information of his hon. Friend, the Member for Liverpool, giving him any advantage he might derive from it; he also felt it to be his duty to state, that an impression had been conveyed to the West-India interest, which induced in them a perfect belief that the duties during the present year would not be disturbed. He had seen the Representatives of the West-India interest upon the subject, and had learned from them, that, in consequence of representations made to them in March last, they had communicated with their correspondents in the West Indies, and informed them that no alteration in the duties was likely to take place during the present year. He believed the same impression generally pervaded the great mercantile interests of the city of London. He knew that at the present moment the condition of the West-India planter was one which required the peculiar and sedulous attention of the Legislature; and he trusted from the spirit which seemed to prevail in all quarters, that no step would be inconsiderately or incautiously taken which would in any respect prejudice the interests of that class. With the knowledge of the facts to which he had referred, he felt that he had no duty to perform but one, and that was for the present year; and under the peculiar circumstances which existed, to propose to Parliament the continuance of the present duties. He felt, perfectly, the full weight of the observations which had been made relating to the necessity of doing justice to India, but if it was essential to do justice, he felt that it was equally necessary to do justice to this country; and so strongly was he impressed with the necessity of justice being done to both countries, that he had no hesitation in declaring, that any attempt to depend upon, or permanently to abide by the discriminating duties, was one which he would not undertake. On the contrary, although it did not refer particularly to this Resolution, but to the principle involved, he was willing and anxious to tell his right hon. Friend, and others who were interested in the question, that even in the course of the present Session, in a matter in which he did not feel himself restrained by the considerations to which he had adverted, he hoped to give an earnest of what he thought ought to be done. In the observations which had been made, one article had been more particularly adverted to—he meant coffee. With this article he felt that the House was perfectly free to deal according to its discretion, and in the course of the present Session it was his intention to propose an equalization of the duties on coffee. He was well aware that this was not the proper time to discuss that point, but he hoped he should be excused, if in referring to the sugar duties he not only made a declaration of his principles and opinions upon that subject, but did more by giving his right hon. Friend an assurance that he should find in the present Session, something done to warrant the fulfilment of that declaration. He should be sorry to be considered by the House, and particularly sorry to be considered by his right hon. Friend, in moving the renewal of the sugar duties for the present, as giving any kind of sanction to the permanent continuance of the discriminating duties. But in departing from that system, due regard must be had to the interests which had been created. He did not despair of the possibility, even in the course of the present Session—having secured the continuance of the duties for the present—of some consideration being given to the subject of the future duties. It was of importance that the subject should not be altogether passed over in silence, but that the West-India interest should have an opportunity of considering not only the duties for the present year, but also those which were to come. It was also of importance that the East-India interest, which he hoped would be an improving interest under the new Charter, should have an opportunity of considering the subject. Having thus stated, shortly, the grounds upon which he proposed the Resolution with which he was about to conclude, and having taken the opportunity of explaining the course which he meant to pursue hereafter, it was not his wish at that late hour, unless he should be compelled to do so, to go into the question further. He could not enter into the discussion of the principle with his hon. Friend, the Member for Liverpool, because he did not support the Resolution on principle, but upon the peculiar circumstances of the case, and on the correspondence which had taken place between the West-India interest and their agents in this country. The latter had communicated to those whom they represented that the sugar duties were not to be altered during the present year, and under these circumstances he did not feel it his duty to make any alteration. The right hon. Gentleman concluded by moving a Resolution that towards raising the supply to be granted to his Majesty the several duties upon sugar and molasses be continued for the present year.

Mr. *Ewart* said, he had understood that if there had not been an absolute pledge given, at least there had been an understanding countenanced by the late Government, that the discriminating duties should be repealed this Session.

The *Chancellor of the Exchequer* begged to correct the error into which his hon. Friend had fallen. He (the Chancellor of the Exchequer) had already stated not only that no pledge had been given, but that the right hon. Baronet lately at the head of the Government, had distinctly assured him that he had given none, but he had taken the same opportunity of stating, that, from official information derived from the Government, although no pledge was given, the Colonial agents had been induced to communicate to their correspondents that no alteration would be made in the sugar duties.

Mr. *Ewart* resumed. He said that justice to India required that these duties should be altered. We were bound by the India Bill to improve, as far as was in our power, the condition of that empire. But how could British capital get into India if we did not open our market for the produce of that country? When the West-India Bill was under discussion, his hon. Friend, the Member for the Tower Hamlets, and other hon. Members, declared that they only agreed to the compensation to the planters on the understanding that the existing monopoly was to be removed. The case of India was one of the most aggravated cases of injustice which had ever been brought under the notice of the House. How gross was the injustice of annihilating the manufactures of India, while we incumbered its raw produce with disproportionate duties. This was not an Indian question alone, but it was a question of great interest also to the British capitalist and commerce. He was happy to hear from his right hon. Friend that we were to have some alteration hereafter. He held that in the declaration which the House had received from his right hon. Friend, was contained an assurance of the principles upon which he acted, and the manner in which he intended to carry them into operation, and therefore he believed that he should consult the feelings of the House, and of those hon. Friends of his whose peculiar sources of knowledge on this subject, and the nature of whose constituencies, enabled them to judge of the best course to be pursued, by looking upon the principles of the Government and the statement of his right hon. Friend, as an earnest at least, if not a pledge, that something would be done at the earliest opportunity. He should therefore throw himself upon the House, and if his hon. Friends thought that he ought to rely upon the great probability of liberal measures being proposed, he should not press his Motion: but if if his friends wished him to take the sense of the House upon it, he would certainly do so.

Mr. *Hume* advised his hon. Friend, after what had been stated by the Chancellor of the Exchequer, not to press his Motion. For the last fifteen years he had heard, year after year, promises of justice being done to India, and he hoped they would now be speedily fulfilled. He believed those connected with India expected too much, and those connected with the West-Indies feared too much. We had by our policy been ruining the commerce of India, and he feared that unless a more liberal course were promptly adopted, we should be unable to maintain that empire and the necessary establishments there. He hoped the Session would not pass without the subject being fully brought under the consideration of the House that all parties might know what was to be done hereafter. He looked upon the statement which the Chancellor of the Exchequer had made of his intentions with regard to coffee as an earnest of what ought to be done in every other article. If the Government should not do justice to India, he should be happy to join his hon. Friend in forcing that tardy measure of justice which had been so long delayed. No colony belonging to any country had ever been treated by the mother country as India had always been treated by England, and he hoped the injustice would at length be put an end to.

Mr. *Bagshaw* believed, that although no positive pledge was given as to the alteration of these duties when the twenty millions were voted, still it was understood that a simultaneous boon would be given to India. It was the duty of this country more especially at the time when there was a defalcation of the revenue of India, to give encouragement to the growth of sugar in that important colony.

Mr. *Chapman* expressed his deep regret at the declaration of the Chancellor of the Exchequer, that no alteration was to be made in the existing duties during the present Session. Nothing would tend to promote commerce with India or encourage the shipping interest more than an alteration of the sugar duties. Ships from India were now obliged to bring one-third of their cargoes in stones, while sugar was lying on the beach.

Lord *Sandon* was inclined to agree with the hon. Member for Middlesex, who said that different parties, connected with each interest, hoped or feared too much from the equalization of these duties; for a very long time must elapse before the reduction of the duties on East-India produce could produce such a change in the general prosperity of the country as to be important in a commercial point of view. Whatever change might be made, it was most desirable that both the West and East-India proprietors should know, beforehand, what they would have to expect from the Government, and a gradual approximation to an equalization would be preferable to any more sudden adjustment. He hoped the right hon. Gentleman would take the expediency of this principle into his consideration, in any plan he might propose.

Mr. *Poulett Thomson* agreed also in the opinion that the advantages and disadvantages anticipated, both on the one side and the other, from the equalization of the duties on sugar, were much exaggerated—but that did not diminish the desire he felt that full justice should be done to the East-India producers. At the same time he thought his right hon. Friend, the Chancellor of the Exchequer, had given an assurance sufficiently satisfactory when he expressed his concurrence in the principles laid down by the hon. Member for Liverpool, and his anxiety that those principles should be, as speedily as possible, carried into effect. He, too, afforded an earnest of the sincerity of his intentions in this respect, by the intimation of his resolution to propose to the House an immediate reduction of the duty on East-India coffee. He did not concur in the sorry expectations which had been suggested by the hon. Member for Sudbury with regard to the reduction of the coffee duties. He did not participate in his melancholy forebodings, knowing that the supply of coffee from the West Indies was at present below the demand, and that the East Indies were altogether excluded from a share in that lucrative trade, which, if opened, would now be peculiarly advantageous to those countries, from the increased demand for that commodity. As to West-India sugar, much of that was exported from hence to the third markets, where it was to compete with the Java, and Manilla sugars; so that the reduction of the sugar duties would not be of so much extensive service to the East Indies as many expected. There was already, an over supply of sugar for this country, the West-India sugars being unrestricted, and entering into competition in the third market. He trusted that in consequence of the means which the cultivation of sugar would afford for the employment of capital, East-India sugar, before long, would hold its proper place in the market and afford employment for our shipping: at the same time, he thought that the sanction and support now given by the Government and the House, to the principle of equalization, would have as good an effect in promoting the application of capital to the purpose of the cultivation of sugar, as if the difference between the duties themselves had been actually taken off this Session. He regretted to find, from the statement of the right hon. and learned Member for Kirkcudbright, that as to another article upon which protection had been offered to the East-India produce, a serious decrease in the quantity exported had taken place. He alluded to cotton. He had hoped that, from the opening, many years ago, of the markets of this country to the East-Indies, the result would have been that we should have received a large supply; but he trusted in this article, as in that of sugar, the additional employment of capital under the new system—the new regulations which had been made as regarded the tenure of lands, and the settlement of Englishmen, in India, would have, hereafter, a very different effect on production; and that they would not long have to deplore a decrease in the place of increase, in the quantity produced. The hon. Member for Middlesex, seemed to suppose that the Government ought, in the course of the present Session, to bring forward a proposition for the equalization of the differential duties on East-India produce. Would the hon. Member explain in respect of what articles he supposed these differential duties to exist? When he first became connected with the Board of Trade, they were about sixteen articles of produce, in respect of which the differential duties were imposed. By the changes lately introduced twelve out of those sixteen were placed on a footing of equalization; and there now remained four, only, as to which the duties were different; sugar, coffee, tobacco, and spirits. As to tobacco, the hon. Member would recollect that this supply did not come from the British possessions.—[Mr. *Hume:* But it might.] It certainly might, but it would then have to compete with that of the foreigner, and we should have to give up so much of the duty. The reduction of the duty on spirits would not produce any material benefit. The only other article was that of coffee, and any observations on that were unnecessary, for the hon. Member for Middlesex had already expressed his approbation of the course which his right hon. Friend proposed to pursue respecting coffee.

Mr. *Pease* said, that the introduction of a new system, after the alteration consequent upon the Emancipation Bill, would involve the trade in great confusion and uncertainty. Sugar was the only article the West-Indian could send to this country in return for our manufactures. Although he was not opposed to a gradual equalization of the duties, he had some doubt, whether the extensive changes proposed as long as the Slave-trade was carried on so vigorously at Cuba and the Brazils, would be so advantageous as was expected.

Mr. *Elphinstone* hoped that the duties would be equalized. If that were the case the consumption of sugar would be increased. Since 1790, the consumption of tea had increased considerably, and the consumption of coffee had increased twenty-fold, and there was no reason, but the high duties, why the consumption of sugar had not increased equally to that of tea and coffee.

Mr. *Warburton* said, that if it were true, as the noble Lord (Sandon) had stated that extravagant notions were entertained as to the advantages and the disadvantages that would accrue from the equalization of the sugar duties, he hoped the noble Lord would not insist upon what appeared to him unnecessary—viz: that whenever the attempt was made to approximate the produce of the West to the East Indies, in that respect they should only go on by such small and insensible degrees, as could neither be of sensible advantage to the one, nor sensible disadvantage to the other. But as it was acknowledged that the approximation must be made though gradually, why not take a step? If it would not affect either party in a serious degree, why not at once take a step? He thought it would be of great advantage to the East Indies, without being of great disadvantage to the West Indies, because whatever sugar was thus thrown into the market, as to the degree to which it would affect the sugar market, it would only be so far, and in that proportion, which the sugar thus introduced bore to the whole of the sugar brought into the European market: so that the only disadvantage to the West Indies, would be the extent to which such quantity of sugar thrown into the market, affected our market at home, as the price of sugar here was regulated by the price in the market of Europe. He knew not what better opportunity could be had for making the experiment than the present moment, when the competition between the East and West India proprietors would, in consequence of the Slave Emancipation Act, be one of free labour. He wished the Government clearly to explain their intentions on this subject. They seemed to think that to make an alteration of the duties all at once would be too great a change, and that some notice of such a measure ought previously to be given. Now he wanted to know what notice would be given in the course of the present Session? Was a Committee to be appointed to consider the propriety of equalizing the duties, or was some resolution to be passed by the House? He trusted that the equalization would not be gradual, but that it would be effected all at once.

Mr. *George F. Young* thought the equalization of the duties ought to take place gradually, and he hoped that the present Session would not be allowed to close without some notice being given to all interested parties of the intention to alter the existing duties.

Mr. *Patrick Stewart* felt convinced, from what he knew of the feelings of the West-Indian body, that no objection would be entertained on their part to the general support which had been expressed in favour of the principle of equalizing the sugar duties. The objection urged by them last year to the proposition was an objection in point of time; and the same objection existed to a certain degree at the present moment. It could not fairly be said that the labour in the West Indies was free. The negroes were in a state of apprenticeship; and during the term of their apprenticeship, the owners were compelled to provide them with clothes and other necessaries. A similar burthen was not endured by the East-India interest, and he, therefore, thought that the West-India proprietors ought to be allowed to emerge from the state in which they were placed by the Slave Emancipation Act before a total equalization of the sugar duties took place. He took it for granted that when the right hon. Chancellor of the Exchequer talked about reducing the duties on East-India sugar and coffee, he meant the reduction to apply only to sugar and coffee which were *bona fide* the produce of British India, and not to sugar and coffee which came from foreign territories in India. It was well known that half the sugar introduced into this country under the description of British India produce was in fact the produce of foreign territories in that empire.

The *Chancellor of the Exchequer* would be extremely sorry to have it inferred, as perhaps might be the case, in consequence of the observations which had just fallen from the hon. Gentleman, that it was his (Mr. Rice's) impression that the present state of the sugar duties ought to remain unchanged until the expiration of the term of apprenticeship to which the negroes in the West-Indies were bound. Before that period it might become the duty of the House to alter those duties; but undoubtedly the burthen thrown on the West-Indian body by the Slave Emancipation Act would be one of the circumstances to be considered in the case. With respect to the reduction of the duty on East-Indian coffee, it was certainly his intention to confine it to such coffee as was the growth of British India.

Mr. *Mark Philips* conceived that the value of West-India property had been increased rather than depreciated by the Slave Emancipation Act. He pressed on the Government the importance of taking into consideration the equalization of the sugar duties at the earliest possible period.

Mr. *Buckingham* said, that though he had so recently addressed the House on the oppressions of our West-Indian fellow subjects, he could not refrain from offering a few observations on the grievances of our equally valuable East-Indian fellow subjects among whom he had passed so many years of his life, and whose interests he should always feel it his duty to advocate and defend. There was one short argument, he thought, by which the imperative necessity and absolute justice of reducing the duties on East-Indian produce might be incontrovertibly shown, and to this alone he would confine himself. The House would remember that two years ago, it had granted a new charter of Government to the East-India Company, by which entire freedom of trade was extended to all British subjects, whether English or native-born, by which colonization was to be permitted to all capitalists who chose to settle in India, and by which our shipping and manufacturing interests were all to be greatly benefited. Now, if the Government granted these privileges in a truly honest spirit, and with sincere and upright intentions,—it was indispensable that they should at once reduce the duties on East-India produce to a level at least with those on West-India produce; as without such reduction, free trade was a mockery—colonization a farce—and neither our shipping nor our manufacturing interests could be benefited in the slightest degree. To confirm the charter, therefore, and to prove their own integrity of intention, such reductions were imperatively demanded of them: and until made, the charter would not be complete. Some honourable gentlemen on both sides of the House had to his (Mr. Buckingham's) extreme surprise, asserted that the advantages of these reductions to the East-India Trade had been greatly exaggerated; but for his part, he was disposed to believe they had been greatly under stated. He would not detain the House by a lengthened argument upon the subject at this late hour of the night; but he would just enumerate, in a few sentences, some of the advantages which the equalization of the duty on sugar alone would produce. Its first operation would be to call into profitable cultivation large tracts of soil in India—by which profit to the capitalist, and profit to the cultivator and peasantry would be realised,—and by which also the revenues of India, derived chiefly from the land, would be largely augmented, while the people were benefited at the same time. It would furnish the merchants of India with that which they now wanted, an article of profitable return for their remittances to this country. It would then afford to ship owners, a valuable article of heavy freight, for want of which, ships bringing home light goods, were now often obliged to put in as heavy cargo, large stones, and other unprofitable ballast; and above all, it would increase the outlet for our manufactures; for those least acquainted with political economy must be aware that the amount of our exports to India are not limited by our power to send out goods, but by the quantity of profitable returns to be brought back from thence. We could double or treble our exports in a single year, if we could bring back profitable returns; and with a hundred millions of people an immense market might be found, if their produce were released from their present burthens, so as to enable them to be brought home and sold at a profit. He (Mr. Buckingham) had indeed been sometimes taunted with having been a false prophet, in predicting a larger increase in the trade of India than had already taken place. But he had always contended for a free trade between England and India, and no trade could deserve that name, which was still burthened as that of India is, by these excessive duties on its raw produce. Take off these, and it would be like releasing a giant from his fetters. After which, but not before, we should see the mighty energies of the two countries gradually developed, and all the advantages predicted gradually realised. One word more before he sat down. It was contended that whatever advantages the East Indies might gain by these reductions, the West Indies must lose. From this he entirely dissented. If the quantity of sugar to be consumed in the world had arrived at its *maximum* and could not be possibly increased, then, no doubt, the additional quantity of East-India sugar brought into the market, would leave a corresponding quantity of West-India sugar unsold. But was it not notorious that the reduction in price of any commodity of general use, increased its consumption? If so then considering the universal taste for sugar, and the certainty that the humbler classes especially would use much more of it, if it were made cheaper, and thus brought more within their reach, it appeared to him quite certain that a largely increased sale of cheap East-India sugar might take place by reason of such increased consumption, without at all trenching on the quantity still required from the West-Indies to supply the old and established markets. If his position were correct, the reduction of duties on the produce of the East Indies might then be set down as one of those very few commercial changes in which there would be a very large benefit to many classes, without any probable or perceptible injury to any; and, therefore, he conjured his Majesty's ministers not to delay this act of justice a moment longer than they could possibly avoid.

Mr. *Goulburn* expressed his entire concurrence in the sentiments of the right hon. Gentleman, the Chancellor of the Exchequer, and in the course the right hon. Gentleman proposed to adopt. He hoped that the Question would receive the fullest and calmest consideration, and that his Majesty's Government would not allow themselves to be led away by statements of particular individuals.

The Resolution was agreed to. House resumed.

HOUSE OF LORDS,

Monday, June 22, 1835.

Minutes.] Bill. Read a second time:—On the Motion of Lord Brougham, Executors.

Petitions presented. By the Bishop of Exeter, from Grove (County Carlow), against the Appropriation of Church Property to other than Ecclesiastical Purposes.—By the Earl of Burlington, from Alfreton, for the Better Observance of the Sabbath.—By Lord Brougham and the Earl of Rosebery, from a Number of Places,—against any Grant for Building Churches in Scotland; and by the Earls of Rosslyn and Aberdeen, Viscount Melville, and Lord Brougham, from several Places,—in favour of such Grant, and for Protection to the Church of Scotland.—By the Archbishop of York, Lord Carbery, and a Right Reverend PRELATE, from several Places,—for Protection to the Church of England.—By the Marquess CAMDEN and Lord SUFFIELD, from several Places, for Relief to the Agricultural Interest.

OFFICE OF CLERK ASSISTANT.] Lord *Denman*, as Speaker of the House, acquainted their Lordships that he had received a letter from the Earl of Devon which, with the permission of their Lordships, he would read to them. The letter which his Lordship read, was as follows:—

Duke Street, June 22, 1835.

My Lord,—I take the earliest opportunity of informing your Lordship, that the title of Earl of Devon having devolved upon me, by the death of my cousin, the late Earl, I have received his Majesty's Writ of Summons to attend as a Peer of Parliament; and I have to request of your Lordship to communicate to the House this circumstance, in consequence of which the office of Clerk-assistant will become vacant. I cannot retire from that office which I have held for nearly ten years, without being anxious to express through your Lordship, to the House of Lords, the deep sense that I entertain of the uniform kindness and confidence, which I have experienced in the execution of my various duties, from the House, generally, and from the several Speakers of the House, particularly, with whom I have necessarily been brought much in contact; a kindness and confidence which have rendered the performance of those duties easy and agreeable, and of which I shall always retain a grateful recollection.

I have the honour to be, my Lord,
Your Lordship's faithful and obedient servant,
DEVON.

To the Lord Speaker, &c.

The Earl of Shaftesbury moved, that the letter be entered on the Journals.

Agreed to.

Viscount *Melbourne* said, that he had not been aware, that this letter would be laid before their Lordships this day, otherwise he should have been better prepared as to the course to be adopted on this subject than he was at the present moment. He should, however, now shortly state to their Lordships what he proposed to do. This event would make a vacancy among the Officers at their Table—a vacancy which, when their Lordships considered how the office of Clerk-assistant had been filled, all of them must much regret. At the same time, it was some consolation for them to know, that they should have the assistance of their late Officer as one of the Members of their House. He should advert to the course he intended to propose to their Lordships on this occasion on this subject. The Committee which sat in 1826, upon the subject of public offices, recommended, that whenever a vacancy in one of the offices of their Lordships' House should occur, the whole matter should be reconsidered with respect to the number of Clerks and their salaries. In pursuance of that recommendation, he should move to-morrow for the appointment of a Committee to take the whole subject into consideration. The noble Viscount here read the words of the Committee's Report, which exactly expressed what he had already stated.

PUBLIC INSTRUCTION (IRELAND).] The Bishop of *Exeter* presented a Petition from the Minister, Churchwardens, and other inhabitants of a parish in the city of Carlow, against the appropriation of Church-property to any but Ecclesiastical purposes, and above all against its appropriation for the support and maintenance of Popery in that part of the Empire. He took that opportunity of mentioning that he had this day received a letter from a clergyman in Ireland of high character, of such high character that his Bishop, as that right reverend Prelate had informed him, had recently preferred him on that very account to a valuable living. He should read an extract from that letter, and should afterwards put the extract into the hands of the noble Lord. It referred especially to the appointment of one of the Gentlemen who had been appointed under the Commission for examining into the State of Public Instruction. The right reverend Prelate read the extract, as follows:—

"The appointment of Mr.——to act as the Commissioner at——had a tendency to deter Protestants and encourage Roman Catholics. For this Gentleman (who resides about four miles from———) was a well-known Roman Catholic agitator, and about five years ago had been chaired through that town on a Sunday, after having delivered a most inflammatory speech in the Chapel against the Established Church, the Constabulary, the Schools, and in fact every person and thing in the neighbourhood not employed in the extension of Popery. The meeting was adjourned for three weeks or a month, when I attended with several persons who had been represented as Roman Catholics to contradict the statements that had been made respecting them. One, a man named———, who was stated by the priest, on oath, to have declared that he, his wife, and eight children, were all Roman Catholics, was anxious to go before a Magistrate to swear that he never made such a declaration, and that his sons could not have been at Mass the Sunday previous. But no Commissioner came—his servant adjourned to a future day, when we again met, and were again disappointed, his man having come, after five o'clock in the evening, to say that his master could not attend; the people's patience was thus exhausted, and very few attended when the Commissioners came, and when, but for the accidental presence of the son of the rector, many persons, especially———and his family, before mentioned, would have been registered as Roman Catholics. One circumstance is worth attention—viz., that the Protestants who died or removed since 1831 were subtracted from the gross number, whilst the Roman Catholic population was not subtracted from."

Lord *Duncannon* was not able, from recollection alone, to speak upon the matter at present.

The Bishop of *Exeter* had merely mentioned the matter to give the noble Lord an opportunity of directing his attention to it.

BEER ACT.] Lord *Rolle* wished to know whether it was the intention of the noble Viscount opposite to introduce any measure for the alteration of the Licensing Beer Act? He complained of the Act as it now stood; and attributed to the Beer-houses that in them thieves organized themselves into gangs, and then spread about all over the country.

Viscount *Melbourne* was afraid, that there was no system which could be adopted, that would not be subject to abuse in that way. If they were to abolish Beer-houses, the only change would be, that the gangs of thieves would meet as they formerly met, in public-houses.

WILLS—EXECUTORS.] Lord *Brougham* said, that with respect to the two Bills on this subject, the best course would be, to refer them to the consideration of a Committee up stairs. Before that Committee, the Commissioners who had reported on the subject might be, if necessary, examined, and the Committee could then report the Bills to the House, with such Amendments as their examination of the whole matter might appear to them to render necessary.

Lord *Abinger* observed, that with respect to the remarks he had made on Friday, he wished to state, that on that day he had, for the first time, learned anything of the matter. The noble and learned Lord had then truly told them, that the subject had been fully considered by some very learned persons. For those learned persons he had the greatest respect; but still he could not consent to such alterations in the ancient usages of the people on the subject of wills, as to consent to the Bills without their being fully considered. The learned persons who drew the Bill, had not thought fit to explain their reasons to the House; there was no preamble to the Bill stating the object in view, and the reasons for it; but the Bill began at once with the enactment, so that it appeared to him to be a specimen of the rule, "*stet pro ratione voluntas.*" Since Friday last, he had carefully considered the provisions of both Bills; some he approved—some he doubted—some he could not understand. He, therefore, fully agreed with the proposition to send the Bills before a Committee.

Lord *Brougham* moved, that they be respectively read a second time, and referred to a Select Committee.

Motion agreed to, and Committee named.

WHITEHALL CHAPEL.] The Earl of *Malmesbury* wished to ask a question of the noble Lord opposite, as to the mode of distributing the Maundy money in future. He saw, by the vote of the House of Commons, that money had been granted to build up a Chapel for the soldiers, and to put in repair the Chapel at Whitehall. He was glad to see the grant, because for some years past the ceremony of distributing the Maundy money had been performed in a temporary building. The erection and pulling down of that building was a great nuisance to the tenants in that neighbourhood and a great cost to the public. He hoped that there would be no longer any reason for the continuance of such a nuisance, but that the Maundy money would be distributed in the Chapel.

Lord *Duncannon* said, that when the Chapel was finished, the Maundy money would be distributed there. While the military attended the Chapel, that was impossible; but now there was to be a Chapel built for them in the Birdcage-walk, and as soon as the Whitehall Chapel was finished, it would be used for the purpose mentioned by the noble Earl.

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HOUSE OF COMMONS,

Monday, June 22, 1835.

MINUTES.] New Writ ordered. On the Motion of Mr. JOHN FIELDEN, for the Borough of Oldham, in the room of WILLIAM COBBETT, Esq., deceased.

Bill. Read a second time:—On the Motion of Mr. POULETT THOMSON, Salmon Fisheries (Scotland).

Petitions presented. By Sir ROBERT INGLIS, from two Places, for the Better Observance of the Sabbath.—By Mr. PEASE, from Trowbridge, for the Repeal of the Stamp Duty on Newspapers; from Hartlepool, for Placing that Borough in Schedule B of the Municipal Corporations' Bill. By Sir HENRY PARNELL, from Dundee, for Altering the Laws affecting Salmon Fisheries in Scotland; also against the Salmon Fisheries (Scotland) Bill.—By Sir M. S. STEWART, from Glasgow and Ayr, against the Registration of Births' Bill; from two Places, against the Imprisonment for Debt (Scotland) Bill.—By Mr. BANNERMAN, from Aberdeen, for preventing surreptitious Emigration.—By Mr. E. W. GLADSTONE, from Newark-upon-Trent, against the Municipal Corporations Bill.—By Sir JAMES GRAHAM, from three Places, against conferring upon Doctors' Commons the sole Power of granting Probates and Administrations.—By the same, and Sir R. INGLIS, from several Places,—for Protection to the Church of England.—By Dr. LUSHINGTON, from the Tower Hamlets, for a more Speedy and less Expensive Process for the Ejectment of Tenants; from the Parish of Bethnal Green, for a Board of Trade, to Regulate Wages; from Chorley, for Amending the Factories' Regulation Bill.—By the same, and Sir JAMES GRAHAM, from a Commercial Association in London,—against the Imprisonment for Debt Bill.—By Dr. LUSHINGTON, from several Places, against Drunkenness.—By Mr. CHISHOLM, Mr. STEWART MACKENZIE, and an HON. MEMBER, from several Places,—against any Grant for Building Churches in Scotland.—By Mr. CHISHOLM, from Perth and Inverness, for the Repeal of the Post-Horse Duty.—By Mr. HENRY SMYTH, from two Places, for Relief to the Agricultural Interest; from Colchester, for the Repeal of the Duty on Spirit Licenses.—By Mr. Sergeant TALFOURD, from the Retail Dealers of Beer of Reading, to be placed on a Footing with Licensed Victuallers.—By Captain CHETWYND, from Stafford, against the Stafford Disfranchisement Bill.—By Mr. JOHN R. SMITH, from Great Yarmouth, against the Municipal Corporations' Bill.—By Mr. MOSTYN, from three Places, against the Imprisonment for Debt Bill; from Madeley, against Drunkenness.—By Sir F. TRENCH, from Scarborough, for the Repeal of the Reciprocity of Duties' Act.—By Mr. CODRINGTON, from Cheltenham, for enforcing the Obligations imposed upon Catholic Members by their Oath; from Gloucestershire, for Relief to the Agricultural Interest.—By Mr. FERGUS, from Burntisland, against the Seamen's Enlistment Bill; from Kinghorn, against any Grant for Building Churches in Scotland; from Kircaldy, against Employing Vessels not Seaworthy for conveying Emigrants.

THE OATH TAKEN BY ROMAN CATHOLICS.] Sir *Robert Inglis* said, that he had the honour of having intrusted to him for presentation to that House, a Petition from a very influential and numerous body of the inhabitants of Birmingham and its vicinity, in reference to a notice of a Motion which had been given on a former occasion by the hon. and learned Member for Tipperary; and in reference to the Oath which that hon. Member and the other Catholic Members of that House had taken, and which Oath was, in the judgment of the Petitioners, inconsistent with any such Motion. He need hardly observe, that he had been selected to present this petition, not from any feeling that the Members locally connected with Birmingham would not discharge such a duty for the petitioners, their constituents, but solely because at the time that the hon. and learned Member for Tipperary gave the notice in question, he (Sir R. Inglis) immediately followed it up by giving notice by the way of an amendment, that whenever that hon. and learned Member should bring forward such a Motion, he would move that the Oath taken by the hon. and learned Member should be read. The Petition, in the first instance, recited the notice which had been given by the hon. Member. It was as follows:—"That no person who shall be appointed to any Ecclesiastical benefice or dignity in Ireland, shall be deemed to have any such vested interest as to entitle such person to compensation, in the event of such benefice or dignity being suppressed.

Mr. *Sheil:* That is not my notice.

Sir *Robert Inglis:* I quote it as it has been given to me.

Mr. *Sheil:* There is a most important omission in it—an omission that seems to have been purposely made. The word "thenceforth" is left out.

Sir *Robert Inglis*—I am sure the hon. Gentleman does not attribute any such omission to me.

Mr. *Sheil:* Certainly not; but the better way would be to read the notice, as it is given correctly in the Votes.

Sir *Robert Inglis* then read the notice as follows from the Votes:—On the first day of going into a Committee of Supply, to move a Resolution, that no person who shall be thenceforth appointed to any Ecclesiastical benefice or dignity in Ireland, shall be deemed to have any such vested interest as to entitle such person to compensation, in the event of such benefice or dignity being suppressed." He was quite ready to give the hon. and learned Member the full benefit of the word "thenceforth." In his (Sir R. Inglis's) apprehension of the case, it made very little difference with regard to that evil against which he and the petitioners protested. The petitioners proceeded to state, that this notice was evidently conceived in a spirit of hostility to the Established Church of Ireland. Now certainly people should be very chary in attributing motives to others, but when they came to the construction of acts, it was a different thing, and he was sure that the hon. and learned Member would not defend the tendency of such a Motion, if it should, when carried, place the Church of Ireland in a worse position as regarded the property belonging to her, than she was in at the time when the hon. and learned Member took an oath not to "disturb or weaken the Protestant Religion in the United Kingdom." The petitioners went on to state, that they could not conceive how such notice of a motion could have been given by any one who had solemnly sworn in the following words:—"I do swear, that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws: and I do hereby disclaim, disavow, and solemnly abjure, any intention to subvert the present Church Establishment as settled by law within this realm: and I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant Religion or Protestant Government in the United Kingdom: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me God." The Petition then proceeded to call the attention of the House to the Catholic Relief Bill, and to the circumstances under which it was passed. Now he (Sir R. Inglis) was sure that there would be found an almost unanimous concurrence both on the part of the Protestant supporters, and on the part of the Protestant opponents of that Bill, on this point—that that measure would not for a moment have passed that House if it had been then suspected that the power of dealing with the rights and property of the Church had been conceded by it to the Roman Catholics. The petitioners, with this conviction on their minds, stated, that they regarded this notice of motion as a violation of honour, and of the solemn obligation of an oath which had been voluntarily taken by the Catholic Members of that House. They added, that they felt that it was a mockery to tell them that the Protestant religion in Ireland would be neither "weakened" nor "disturbed," by lessening to a great extent the number of its ministers there, and by virtually turning the Church Establishment of Ireland over to the dominion of men who regarded its doctrines with horror. The petitioners, in conclusion, prayed the House to adopt such measures as should prevent this oath—the only security that the Church possessed against the attacks of its inveterate enemies—from either being treated with scorn, or broken with impunity. They further prayed the House to exclude by express enactment Roman Catholic Members from any share in Ecclesiastical legislation. He did not concur in the prayer of the petition, and his reason was this—not that the petition prayed for too much, but that it prayed for too little. He would go much further. According to the view which he had uniformly entertained, he had always thought that the introduction of Members of the Church of Rome into that Assembly had been the greatest calamity that had ever occurred to this country. He could not indeed expect that the hon. and learned Member for Dublin would concur in that opinion. He would venture, however, to say this—that it was a feeling that was rapidly increasing throughout the country—it was a feeling which prevailed very generally some time ago—he believed that it was now gaining strength every day throughout England, and he was sure that the events of the last four months had tended much to increase such a feeling amongst the intelligent and rational part of the population of this country. He had undertaken the discharge of this duty with no small pain. It was not a pleasant thing for any man to rise up in a society of Englishmen, and tell those who sat opposite to him, that they had violated their oaths. He trusted that he might say, that nothing but a strong sense of duty had induced him to take such a course. The hon. and learned Member for Dublin might smile at that statement, but it was the honest fact. He regretted he was obliged to take this course, but taking it as he did from the most conscientious sense of duty, he thought that it should not give offence to the Roman Catholic Members of that House. This he would say, that if he had taken such an oath as that taken by the Members of the Church of Rome, that if he had taken an oath, *mutatis mutandis*, of the same nature with regard to a Catholic Established Church, and if, after taking such an oath, he had given notice of a motion analogous to that of the hon. and learned Member for Tipperary, or had been a party to an appropriation clause similar to that of the noble Lord, the Member for Stroud, but respecting this Catholic Church which he had sworn to maintain,—if he had done all this, he for one would not complain of the hon. and learned Member if he should accuse him of being guilty of something approaching to perjury. One of the principal motives which had induced him to call the attention of the House to the subject was to give a warning to the Catholic Members who had taken this oath, and to show that there was one Protestant Member in that House who would give them a warning that they were in danger. That surely was not saying too much. It was at least possible that they might run the risk of committing sin. If any one would tell him that he was so near the brink of perdition, he would look at the question with scrupulous anxiety. If he (Sir R. Inglis) took such an oath in Belgium or any Catholic country, not to endanger the security of the Catholic Church established there, he would consider he incurred a great and fearful responsibility by violating it. It was a solemn engagement he would religiously keep; and if he were a party to such a measure as received the support of the hon. Members opposite, he would not blame them if they had charged him with the offence of perjury. He was aware that that hon. and learned Member, in a letter which he addressed to the editor of the *Morning Chronicle*, had challenged him in terms, certainly of great personal courtesy, to bring forward some distinct and substantive motion on that subject. Now, he had several reasons for not complying with such a proposition. In the first place, the notice which the hon. and learned Member had given was absolute—the motion which he (Sir R. Inglis) had given, was conditional. The hon. Member wished him to reverse their position. The hon. Member, he believed, had withdrawn his notice.—[Mr. *Sheil*: No.]—He had supposed so, from not seeing it stand in the list of notices printed after the Whitsun holidays. If the hon. Member had not withdrawn his motion, his (Sir R. Inglis's) first ground for not assenting to his proposition was strengthened. Then, in the next place, he was not to be taught the tactics of his campaign from a general of the opposite army. He was not to be taught by the hon. and learned Member the way in which he (Sir R. Inglis) was to support and sustain the Protestant Church of Ireland. As the hon. and learned Member for Dublin might object to the word "followers," as applied to his party, he would only say of them, that that hon. and learned Member, and the party with which he acted, were the leaders of that House. If he should bring forward such a proposition as that alluded to by the hon. and learned Member for Tipperary, he was quite sure of this—that the hon. and learned Member for Dublin, and the thirty-five Members that generally concurred with him, and who were in fact at present the leaders of that House, would have easily negatived it, in the same triumphant and victorious manner that they had carried the Irish Church Bill. There was another reason for his not complying with the hon. and learned Gentleman's proposition. He was told by him to bring forward some proposition declaratory of the construction of the Catholic Oath. If he did so, he should be beaten, precisely in the way he had already stated, by the Irish Members. Then he was told to bring in a Bill on the subject. Now, in the first place, he could have no reason to expect to be able to carry any such Bill if the thirty-five Irish Members should not abstain from voting. Of course, too, he should have no reason to suppose, should the Irish Members withdraw, that his Majesty's Government would give him their support? He had indeed no reason to suppose that if he brought forward any substantive measure on the subject he should be able to carry it. He, therefore, took this way to give a warning to the hon. and learned Member, and those who acted with him, Catholic Members of that House, that they were incurring a great risk of perjury in what they did. So far for the reasons which had induced him not to bring forward any substantive motion on this subject. The hon. and learned Member for Tipperary was the first Roman Catholic Member who had ever originated a proposition in that House that tended to "weaken or disturb the Protestant religion or Government." There was an essential distinction between his case and that of any other individual. When he gave his notice, he rose from the very spot which he now occupied on the Treasury bench, on that bench where sat the Members of a Government which he and his party had been the principal means of placing in power, and without whose support that Government could not exist for a single day,—a Government, in fact, that would be floundering in the dirt, if the honorable and learned Member for Dublin should withdraw his support. The hon. and learned Member for Dublin, he could assure him, miscalculated the value of his support. His influence and power, numerically at least, were not to be despised by any Government. Therefore, he would say that if that hon. and learned Member should withdraw his support from the present Government, it would be left floundering in the dirt. It was on that account that he felt the importance of the Motion of which notice was given by the hon. and learned Member for Tipperary, proceeding as it did from such a party. He was anxious also to prevent the Irish Roman Catholic Members from sheltering themselves under the belief that they were, in supporting such a motion as that of Lord John Russell, supporting the Protestant Church. He had not heard the hon. Member, or any of his party, say that their object in supporting that measure was to strengthen the Protestant Church. Therefore, that slender film which had been thrown over the case by the English Protestant Members would scarcely cover their eyes. There was another distinction, besides, to which he would call the attention of the hon. and learned Member for Tipperary, and those who, with him, had taken the Catholic Oath, namely, that the Protestant Members of the Legislature had not taken an oath to support the Church. When, then, the hon. and learned Member for Dublin asked of what use was the Catholic Emancipation Bill if the Roman Catholic Members should not be at liberty to vote upon that and all other subjects, he would say, in reply, that it was not for him and those who had always resisted Catholic Emancipation to tell the House what was the use of that concession. It was for those who had supported that measure to state what good it had produced either for Ireland or England. He had never seen reason to change his opinion on the subject. That concession had been productive of unmixed evil to the Protestant Church and the Protestant community in both countries. This notice, which had been given by the hon. and learned Member for Tipperary, changed the character of the discussion on the Irish Church, and justified him in the course he was now taking. He might certainly have been justified in taking that course at an earlier period, in consequence of the speeches made by some Catholic Members in the discussion on the Irish Church Appropriation Clause, but then they might shelter themselves under the plea that that was a measure proposed by Protestant Members, and one therefore that could not injure the Protestant Church. But they could not do so in the present instance. After all, the whole question must terminate in the construction of the oath itself. Now, how were they to get at the construction of it, or of any oath? First of all, they must refer to its grammatical interpretation; secondly, they were to look to the intention of the person who imposed it, to the *animum imponentis.* How was that to be collected? By the speeches made at the time by the proposers of the oath. How were the intentions of those who took the oath to be collected? Certainly from the speeches and declarations made by them at the time of the framing of the oath. Did any one deny that the *primâ facie* interpretation of the Catholic oath was that which he (Sir R. Inglis) put upon it. What was the oath—"I do swear, that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm." In the debates on this oath in the Committee on the Catholic Relief Bill, he and his hon. Colleague each proposed amendments to render this part of the oath more stringent, and Mr. Harrison Batsley proposed a third amendment still more stringent, and including all cases that could possibly be affected by the voting of Roman Catholic Members. All these amendments were negatived, not on the ground that the original oath was not intended to comprehend the objects they had in view, but that it was sufficient without them. Would any man say that that was not the construction put upon the oath at the time by the persons who framed and sanctioned it? His (Sir R. Inglis's) amendment at the time was negatived on the ground that it was mere surplusage —that it was not necessary, and that the oath as it stood would secure all the objects it had in view. Such was the language of Sir R. Peel and of Dr. Lushington in opposing his amendment, which was negatived. There could be no doubt, then, of the meaning originally attached to the oath by those who framed it, or by those who had consented, most reluctantly indeed, to take it. The oath proceeded thus:—"And I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion, or Protestant Government in the United Kingdom: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me God." Could any man say that that oath was not intended to secure the settlement of the Protestant religion and Protestant Government as established by law in this country? He saw, at the commencement of the Session, one of the Catholic Members, in taking the oath, lay particular stress upon the words "as established by the law." He knew very well that the hon. Member meant to intimate by that, that he was at liberty, in his legislative character, to do what he would to alter the law. That was the doctrine referred to by Mr. Eneas M'Donnell in his very able pamphlet on this subject. Did the hon. and learned Member deny that the pamphlet was an able one? ["*Yes*," from Mr. O'Connell.] If the hon. Member denied that Mr. M'Donnell was a man of ability, he (Sir R. Inglis) must only pity the Catholic body who for six years had intrusted the management of all their concerns in this country to that Gentleman. That Gentleman had received the highest testimonials to his character and to the value of his services. If the hon. Member would deny the value of Mr. M'Donnell's testimony, he would not deny the value of the distinction which he drew in this instance. The correctness of that distinction he denied. If he had taken an oath not to enter a given field as long as it existed enclosed, would he be justified by open force in destroying the fence or unhinging the gate? He had solemnly sworn not to enter this enclosure, and supposing that he did not employ his own skill for the purpose, would he be justified in taking advantage of the skill or arm of another to make his entry there? Would not his oath be equally violated whether he entered by his own means or by the aid of others? Now, the Catholic Oath was intended to protect an enclosure, and that enclosure was the Protestant church. The Roman Catholic Members had sworn not to enter that enclosure, and they should abstain from doing so, whether by their own hand or that of others. He had never heard that an oath was to be construed according to the mind of the man who took it, but according to the *animum imponentis.* Previous to the Emancipation Bill, Mr. W. Horton published a pamphlet, in which he enumerated all the possible cases from which Roman Catholic Members might be excluded from voting. But it proceeded on an original error, for if Catholic Members were at all to enter that House, they were fit to legislate on this Question in the abstract. They had, however, taken an oath not to legislate on it and other subjects, which were reserved for the Protestant Members. It was subject to that restriction that the Catholic Members came there. Would the hon. Member for Tipperary deny the fact? Would he deny that he stated at the time, that should emancipation be passed, there was not another question that agitated the public mind in Ireland, such as tithes, and the union would have an end? The true construction of the oath was apparent therefore even from the declarations made at the time by those who took it. He could quote many such instances that occurred at the time. At that period a petition was presented to the House from a Catholic Gentleman, which excited much attention. He referred to the sense in which the Roman Catholics understood the oath. He stated that they (the Roman Catholics) would be the only people in the empire who would be bound by an oath to protect the Church, and he asked why should they introduce such a distinction into the Legislature. Through a too easy faith in the strength of such a declaration, the Legislature admitted the Roman Catholics to that House. With respect to the construction of an oath, they were to regard its grammatical construction, the *animus imponentis*, and the *animus* of those who took it. They had in construing it, and those who took it had in construing it, nothing to do with the consequences that might be said to arise from its observance. With that question they had nothing to do. He had to apologise to the House for the time he had occupied its attention. The subject was one of the greatest importance, and in speaking on it, though he had not compromised a principle or shrunk from avowing his opinions, he had endeavoured to say nothing offensive to the feelings of any hon. Member from whom he might have the misfortune to differ on this Question.

On the question being put, that the petition be laid upon the Table,

Mr. *Sheil* said the petition, although signed by respectable names, commenced with a misrepresentation of his notice, and concluded with a calumny upon the entire body of the Catholic Members; but names, no matter how respectable, could not give validity to falsehood, while on men of great ostensible piety, and exceedingly ostentatious religion, the deliberate and malignant dissemination of calumny reflected the deepest discredit. The hon. Baronet, who, with so much poisoned suavity, had given utterance to such gross imputations, had stated at the outset that the petition was not intrusted to the Members for Birmingham or for Warwickshire, but to himself. The petitioners, indeed, had selected an appropriate medium in order to give vent to their rancorous devotion. But the hon. Baronet had omitted to state that there was a counter petition, signed by a vast body of the people of Birmingham, passed at a public meeting, with the High Bailiff of that important town in the chair, in which the abuses of the Irish Church were vehemently denounced. The petition from the charitable religionists, who imputed perjury to all those who dared to dissent from them in the construction of words susceptible of a variety of interpretations, commenced their statement with a gross misrepresentation of his notice. They had suppressed the fact that the notice referred only to persons to be hereafter appointed. He (Mr. Sheil) had been misstated in the same way by a part of the Conservative press. He thought it necessary to defend himself; and *The Times*, a journal which certainly did not take the same view of the Irish Church as he did, did him the justice to admit that he had cleared himself of the charge adduced against him. He (Mr. Sheil) had no desire to deprive the actual incumbents of their livelihood; his notice adverted to the persons to be hereafter appointed to sinecure benefices without congregations, and of which, even by Lord Stanley's Church Temporalities' Bill, the suppression was contemplated. Let the working clergy of the Protestant Church be paid liberally and amply; let their incomes be even augmented where not commensurate with their labours; but where there were no parishioners, let there be no parson. To show the justice of his notice, he would advert to the case of the Bishop of Ferns, whose income had been reduced 4,000*l.* a-year, because he had notice—to the case of the Dean of Down, against whom unfounded allegations had been preferred because he consented to relinquish a part of his income in consequence of previous notice, or what was equivalent to it—to civil cases in which the same principle had been acted on — to the case of the late Mr. James Brougham, who was held to be disentitled to compensation by the Commissioners of Bankrupts, who, having been appointed after notice of the intended suppression of their offices, were dismissed without compensation—and to the Irish Chancery Act, by which compensation was given to officers who had had no notice; and it was enacted that any persons to be afterwards named to office in that Court should not be deemed entitled to compensation if their offices should be abolished. There could be no sound reason for not applying the same principle to the sinecures of the Irish Church to be hereafter suppressed, taking care to protect the rights of existing incumbents without notice; and at all events, it was a monstrous proceeding to charge those with perjury who should sustain such a project. The hon. Baronet had expatiated on the Catholic Oath, had taken on himself to attach a particular construction to it, and then proceeded to brand the character of every Roman Catholic who dared to dissent from his arbitrary interpretation. By what right had the hon. Baronet done this? Who had invested him with this authority? What was there in his character, his conduct, his active, political life, which should induce Roman Catholics to regulate their consciences by his adjudications? The hon. Baronet had said, that Roman Catholics ought to be slow in exposing themselves to a charge of perjury. The hon. Baronet ought to be slow in preferring such a charge, especially as his motives were liable to imputation. He had himself, in the course of his speech, betrayed the feelings by which he was actuated. His great object was to get up that vile, No Popery cry, which had been raised, in 1807, by the very men who afterwards, in 1829, passed the very measure which they had made the groundwork of their accusations. The same project was now resorted to; the fanatical passions were appealed to; the basest calumnies, the foulest falsehoods, were disseminated in order to overthrow the Administration, which the hon. Baronet declares to be sustained by the Catholic Members, and exhibits his genuine feelings in the phraseology which he employs, when he says that the Ministry, without such aid, would be laid in the dirt. Of the elegance of the expression it was unnecessary to say anything; its only value consisted in the development of the hon. Gentleman's emotions, which it affords. Such then was the state of his mind. Entertaining towards the Ministers a deep, and in him a very natural animosity—a hater of all Reform—an opponent of every measure of amelioration that ever was introduced—the enemy of the repeal of the Test and Corporation Acts, of Catholic Emancipation, of Parliamentary Reform—the worshipper of every abuse, the idolator of corruption in all its forms, the only man in this House who had had the effrontery to stand up in defence of those sinks of municipal depravity the Corporations; the hon. Member, influenced at once by his prejudices, his interests, and his expectations, knowing that the existing Government would be apt to disturb sinecurism in all its recesses, and to set aside all corrupt and flagitious commissions, felt a deep animosity to the Government, and fretted and fumed at the support which they derived from the Irish Members. The hon. Member's motives were as impeachable as those of the individuals whom he assailed, and he ought to have hesitated before he exposed himself to the charge to which he has rendered himself liable in preferring so unqualified, and, if it be unfounded, an accusation so ignominious, not to those against whom it was urged, but by whom it was advanced. How easy it would be to retort upon the hon. Gentleman—how easy it would be to represent him as a trafficker upon the public delusion, all whose importance was derived from his lending himself as a utensil to fanaticism, as an instrument of rancorous and detestable bigotry! But that course he would not adopt. He was willing to make allowance for the hon. Gentleman, and to attribute his conduct to his want of due consideration of the matter in which he had been engaged. The hon. Baronet had not had leisure sufficient to make himself fully acquainted with the subject. He was, as a conscientious man, who had taken his oath to perform his official duties with fidelity, bound to give up his entire mind, and dedicate all his faculties to the several commissions connected with the East Indies in which he had been engaged. For the last twenty-five years he had been employed in an enviable way. Safe from all vicissitudes of Government, secure from all changes of Administration, he had been receiving his 1,800*l.* a-year for services, of which few people knew anything; and as he was a moral and conscientious person, it was to be presumed that he had been engrossed by his lucrative functions, and determined to give value for the thirty-one thousand pounds which he had received. The hon. Baronet was at that moment still in reception of his large annual salary, and still engaged in his arduous duties, and it was strange that for sinecurism in any form, whether ecclesiastical or civil, he should feel a sympathy. He should exercise towards the hon. Baronet more charity than he had experienced at his hands, and attribute to his complicated occupations the delusion under which he laboured, and to which he referred those accusations which originated rather in ignorance than in any disreputable animosity to his political opponents. As to the Catholic Oath, how could it be regarded as more binding than the Coronation Oath? It was true that the hon. Baronet had insisted that the King would be perjured by passing Catholic Emancipation but who to the hon. Baronet gave heed? After all, when the hon. Baronet had commenced by charging the Duke of Wellington with subornation of perjury in advising the King to pass Emancipation, and when he considered the Melbourne Government as guilty of subornation of perjury in recommending the King to carry the Resolution of Lord John Russell into effect, the extension of his charge of perjury to the Catholic Members ought to be regarded, if not as contemptible, at least as extravagant. The Ministers had declared, that in passing the surplus Resolution, they did not mean to subvert the Church, or weaken the Protestant religion. Did they speak a falsehood in so declaring? It would be answered in the negative: then, if the Ministers did not state a falsehood, how could it be fairly urged that the Roman Catholic Members were forsworn? As to the oath itself, why did the hon. Member suppress the important fact, that Sir C. Wetherell had remonstrated against its vagueness, and had declared that it could not restrain any conscientious man from voting in favour of a diminution of the Church revenues? Why were not stronger words introduced into the oath? Why were not Catholics compelled to swear that they would not, by their votes in Parliament, reduce the revenues of the Establishment? Why did not the hon. Gentleman bring in a Bill for the introduction of words to that effect? Why did not he move a declaration of the House as to the meaning of the oath? The hon. Baronet did not dare to do it. He contented himself with his virulent innuendos and his poisoned insinuations. He did not venture to meet the Catholics in fair, open, and honourable warfare; but under the cloak of piety carried the stiletto with which their characters were to be stabbed, and he was to assassinate their reputations. He (Mr. Sheil) defied the hon. Baronet to bring the Question forward in such a way as to obtain the opinion of the House. He challenged him to put his construction to the vote. The hon. Baronet would not accept this tender. It was more convenient to him to give vent to his religious animosities and his political detestations through the medium which was afforded by the presentation of a contumelious petition. The hon. Member concluded by declaring, that it was not his intention to subvert the Church, but to effect the reduction of the wealth of the Church, and its adaptation to the real spiritual wants of the Irish Protestants.

Mr. *O'Connell* was never more unwilling to trespass on the time of the House than on this occasion, but his duty required him to take some part in this discussion. The hon. Baronet had made the grossest charge—with avowed pain, indeed—but this was poor consolation to those upon whom the injury was inflicted: the language of persecutors was always compassionate. The familiar of the Spanish Inquisition who had burnt the first Protestant, had, no doubt, talked of the suffering he himself endured to inflict suffering: when Calvin roasted Servetus, he lamented over his own cruelty; and Cranmer, before he burnt off his own hand, had grieved at the agonies of his victims. It was easy to turn up the whites of the eyes, but it was no consolation to the sufferer. Cruelty consisted as much in calumny as it did in corporeal pain. What right had the hon. Baronet to arraign the Roman Catholic Members for breaking their oaths? How had he suffered in person or in property by it, or what inconvenience had it occasioned to him? By what had the Roman Catholics been excluded for ages from Parliament—by what? By the scrupulous observance of an oath. The hon. Baronet was fat, sleek, and contented, and why was he to come forward with charges of perjury in his hum-drum manner, drawling on for half an hour together, professing the utmost regret, and making his hum-drum as tedious as his charge was offensive? Did he think the Roman Catholic Members entered the House without having seriously deliberated on the nature and terms of the oath? The hon. Baronet stood forward as the champion of the Church, but did he not know that the Church to which he belonged had been one of the most intolerant, until of late years it had done what it could to wipe off the stain? As to the terms of the oath, he would tell the House what interpretation he (Mr. O'Connell) put upon it: if he were wrong, let his error be explained; but he challenged the hon. Baronet to meet him foot to foot. It consisted of three Clauses: first, the Roman Catholic Member swore to "defend to the utmost of his power the settlement of property within this realm, as established by law." The hon. Baronet contended that this included Ecclesiastical property. He (Mr. O'Connell) admitted it; but it also included civil property; and it was not contended that he had committed perjury when he voted on the Bill regarding fines and recoveries—for taking away title by dower and remodelling title by courtesy—when he voted upon the Statute of Limitations, and gave a right to persons who had it not, and took it from those who had. No man was absurd enough to carry his prejudices so far as to say, that he had violated his oath on these occasions. The next clause was—"I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm." That at once raised the question of the King's Coronation Oath. The Church Establishment in Ireland was not now the same as when he first took the oath—it had then twenty-two Bishops, and now it had only twelve. The hon. Baronet would admit that the Bishops were a very essential part of the Church Establishment, yet Parliament had sheered off nearly half the number. Was he (Mr. O'Connell) bound to insist that the twenty-two Bishops should be restored? The oath was, in fact, a declaration of obedience to the law, and precluded the use of force, fraud, or violence; but it was not meant to prevent him from legislating on the subject. There was a third branch of the oath that had been mixed up with the other two: it was—"And I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in this kingdom." He had always felt reluctant that the words "Protestant Government" should be introduced, because they were not precise and intelligible. The Belgic Government, to which the hon. Baronet had referred, was not a Catholic Government, although the people were Catholic and the Church was Catholic, for the King was Protestant, and in this country every man in the Government, excepting the King and the two Chancellors might be Catholic, and he thought the hon. Baronet would agree with him, that to call this a "Protestant Government" was rather a forced expression. But he had taken the words in the meaning of those who offered the oath, and applied them to the existing Government. He had also sworn that he would not use any privilege to which he was entitled to disturb or weaken the Protestant religion. The Protestant Dissenters were made to swear this and a great deal more, for they undertook not to use any "power, authority, or influence," to injure or weaken the Protestant Church. Yet the Protestant Dissenter's oath was framed prior to that of the Roman Catholic Members. Then came the question whether privilege meant power or authority? If it did, why were not those words employed? Privilege had been defined *privata lex*, and privilege and franchise were distinguished from rights and duties. As a Member of Parliament he had both rights and duties; it was his right to legislate, and his duty to legislate properly. He came then to the next clause, which related to the weakening and disturbing the Protestant religion. And here he would say, that he watched the hon. Baronet even when he did not think that he was watching him, to ascertain whether he would have the resolution to assert that money was the Protestant religion. He heard the hon. Baronet say, that money and religion were different things—that religion was everything awful and solid, and belonged to a kingdom not of this world—that money was the mammon of this world. Supposing privileges to mean his duty as a Member of Parliament; then came the second question, and they differed as to the meaning of the word religion. It had been observed by some men at Birmingham, whose taunts he treated with the contempt they deserved—taunts which originated in party feeling, which were the more bitter, because the individuals had been defeated in an election—those persons had the impudence to taunt the Irish Catholic Members with perjury. He was, however, prepared to defend the vote he had given in favour of Lord John Russell's Resolution, which recommended, after providing for the spiritual wants of the people in Ireland, that the surplus should be applied to the purposes of moral and religious education. He was not embarrassed by this Motion at all; he did vote for it, and he intended to vote for it again. With respect to the spiritual wants, he provided for them in the Resolution, and it was the surplus only with which he would deal, and that he would apply to the people's moral and religious education. Such was the nature of the distinction he drew between religion and property. Let them look to the census for Ireland, and they would find that there were 800,000 Protestants, and 6,400,000 Catholics. Were there no Protestant Dissenters in this House? Would the hon. Baronet say the Protestant Dissenters had no religion? The hon. Baronet who had before been not very complimentary to that class of persons, had on the present occasion said something very like this. This was certain, they had no revenues; and if money and religion were the same, they ought to have no religion. Such was his interpretation of this oath; if the House interpreted it differently, let them say so. He was excluded before by an oath, and he was ready to be so again. He laughed to scorn the meetings, the town fooleries, of certain learned theologians out of this House; but he submitted to the House—and he put it again and again to the conscience of every man who heard him—let his interpretation be condemned by the House, and he would go out, and remain out, till the question was settled. But it was said, that Catholics, having taken the oath, felt at liberty to infringe it. Any man who took an unjust oath was bound not to keep it; but the perjury consisted in the taking of such an oath. The doctrine of his Church was, not to take the oath and then break it, but not to take it at all. It was time, surely, for Christians to give up calumny. The Protestant party in Ireland had already been deprived of the ascendancy of political power—let them give up the ascendancy of calumny; let them not console themselves in their defeated bigotry by throwing out false accusations. In the absence of the remnant of that bigotry, let them not indulge in a calumny too horrid to be endured, and too atrocious for any Christian to utter against another.

Lord *John Russell* moved, that the debate on this Petition be adjourned.

The debate was accordingly adjourned to the next day.

County Gaols.—Soldiers.] Sir *Edward Knatchbull* wished to put a question to the noble Lord opposite. The noble Lord was aware that a considerable number of Soldiers had been from time to time confined in County Gaols, and that great inconvenience had arisen from such a practice. What he desired to know was, whether it was the intention of Government to bring forward any measure to correct that grievance? If the noble Lord should say it was, he hoped such statement would be better observed than the promise that had been made on this subject by a Member of his Majesty's Government on a former occasion.

Viscount *Howick* had great pleasure in informing the right hon. Baronet, that arrangements for remedying the evil he had so justly complained of, were far advanced in preparation, and would be immediately completed. But he could not give that answer without observing, in reference to the latter part of what had been stated by the right hon. Gentleman, that last year arrangements were undertaken, and were in a very forward state, for meeting this evil. Certain clauses were introduced by himself, while Under-Secretary of State, for the express purpose; and it was not because promises had been broken by Members of Lord Melbourne's Government that those arrangements had not been completed, but from reasons which the right hon. Baronet was probably better acquainted with than himself.

Sir *Edward Knatchbull* could assure the noble Lord, that in putting the question as he had done, he had no intention of throwing any imputations on any one. He certainly had not put the question invidiously, but the noble Lord had said, the reasons for breaking the promise to which he had referred, were known to him. He could assure the House he was utterly ignorant of any such reasons. When he was in office he had used every exertion with a view to find that any thing had been done on the subject, but he certainly had not been fortunate enough to meet with any trace of the provisions or arrangements which the noble Lord had talked of; and it was only to night, for the first time, he had heard of them. He had received a promise from the Secretary at War, when Lord Melbourne was last in office, that they should be attended to. It had not been, and hence his present inquiry.

Viscount *Howick* wished to justify himself against the charge of the right hon. Gentleman. The right hon. Gentleman had given him notice of his intention to put the question, admitting at the same time that it was a difficult subject to deal with, and he was prepared to have answered it in the most simple and courteous manner; but, when the right hon. Baronet had appended to his inquiry, a hope that the answer to be given would be better observed than the promise which had been given before, he could not fail to feel some warmth. He had said he had found nothing in any of the offices to show that arrangements had been in progress to meet the evil. The right hon. Baronet knew very well, that until a thing of this sort was completed, all that passed, passed in conversation, and did not appear on paper. Three clauses were introduced by himself into an Act of Parliament in the course of the last year, and if Lord Melbourne had not gone out of office, the Act would have been passed into a law before this time.

Corporation Reform.] Sir *Robert Peel* said, that the question which had been put by his hon. Friend (Mr. Estcourt) a short time before to the noble Lord opposite, was one that was likely to excite very deep interest, and which he thought ought to receive a more explicit answer than that which the noble Lord had given to it. As he understood the object of his hon. Friend's question it was, whether or not in cases where there were specific appropriations of corporate or charitable property, those specific appropriations were intended to be preserved? He thought he had understood the noble Lord to say they were; that some machinery was to be devised by which the interests of parties in those appropriations were to be continued.

The *Attorney-General* said, that where the present Corporations held as trustees, the new Corporations would hold, subject to the same trusts; but that where the present Corporations held subject to the best law they had been able to devise among themselves, that property would be applicable to the provisions of the Bill. Wherever it was property wholly in trustees in trust, those trusts would be continued, but where there was no trust, the property would become absolutely available to the Act.

Sir *Robert Peel* would take the case of a right confirmed by charter, or by a recent Act of Parliament—the case of a Corporation possessed of certain lands in the neighbourhood of a town, and an Act of Parliament had given a right to the inhabitants of that town to acquire their freedom either by birth or service; a person residing in that town had an inchoate right to take out his freedom at a certain period; when he did so, under the recent Act of Parliament, he would become entitled to participate in certain lands in the neighbourhood. That would be a case of specific appropriation; and in such an instance was it intended that the Bill should preserve that right.

Lord *John Russell* said, he thought that that was a question that would be best discussed in Committee. He did not understand the question of the hon. Gentleman to have been put in the way in which the right hon. Baronet put it. He understood it to be with reference to a case where property had been bequeathed to certain charitable purposes, and where the members of a corporation were made trustees, merely in order the better to secure its appropriation, there the trusts would be preserved; but with respect to property belonging to a corporation, where it was divided among the mayor, sheriffs, aldermen, or freemen, the Question would have to be debated in Committee.

Mr. *Harvey* presented a petition from the burgesses and electors of Colchester, in favour of Corporate Reform. It might properly be said, the important question just asked would be best discussed in Committee, and the petition he now presented would be found to supply materials to aid in the consideration of it. The petitioners stated, that in the borough of Colchester there was corporate property which yielded 4,000*l.* a-year; they complained that only 400*l.* a-year of that sum was distributed for general uses, and prayed that the whole might be diverted from its present application to purposes of more usefulness.

The petition to lie on the Table.

Lord *John Russell* moved the Order of the Day for the House resolving itself into a Committee upon the Municipal Corporations Bill.

Mr. *Praed* rose to call attention to a subject of great importance in reference to the Bill before the House. He admitted the general inconvenience of the practice of bringing forward a matter for consideration on the present Motion, which might be discussed in the Committee on the Bill but, at the same time, he thought that, in this particular instance, it was desirable to separate a portion of the details of the Bill, and take the opinion of the House upon it before going into Committee. He was not about to invite the House to do any thing inconsistent with the principle of the Bill, or to do any thing likely to throw impediments in the way of establishing sound Municipal Government, and the local control of Corporate Funds, but to declare that, consistently with securing those objects, they would take from no individual, however poor, his property or his privileges. The Resolution he proposed to move he would now read to the House, and he assured them that he would not waste their time by many observations upon it. He should move, that "It is the opinion of this House, that all freemen of existing Corporations, and all those in the course of acquiring their freedom, and their descendants, ought to be maintained in the enjoyment of any rights, privileges, and property which they possess or might acquire by virtue of any charters now in force, in so far as the continuance of such rights, privileges, and property, may not be found inconsistent with the institution of good Municipal Government, and the popular control of Corporate Funds." [*Laughter.*] He was prepared for the titter from the Treasury Benches; but he could only say, that it was most absurd to state that it was necessary, in order to pursue certain objects, that they should inflict an injustice which had nothing to do with them. He begged to say, that the Report of the Commissioners recommended nothing inconsistent with his Motion. It stated, "that there prevails amongst the inhabitants of a great majority of the incorporated towns a general, and, in our opinion, a just dissatisfaction with their Municipal Institutions; a distrust of the self-elected Municipal Councils, whose powers are subject to no popular control, and whose acts and proceedings being secret, are unchecked by the influence of public opinion; a distrust of the Municipal Magistracy, tainting with suspicion the local administration of justice, and often accompanied with contempt of the persons by whom the law is administered; a discontent under the burthens of local taxation, while revenues that ought to be applied for the public advantage are diverted from their legitimate use, and are sometimes wastefully bestowed for the benefit of individuals, sometimes squandered for purposes injurious to the character and morals of the people. We, therefore, feel it to be our duty to represent to your Majesty that the existing Municipal Corporations of England and Wales neither possess nor deserve the confidence or respect of your Majesty's subjects, and that a thorough reform must be effected, before they can become, what we humbly submit to your Majesty they ought to be, useful and efficient instruments of local government." He maintained that the House might redress all these grievances consistently with his Resolution. The Address of the Commons declared, "that his Majesty's faithful Commons acknowledge, with grateful recollection, that the Acts for the amending the representation of the people were submitted to Parliament with his Majesty's sanction, and carried into a law by his Majesty's assent; that, confidently expecting to derive further advantages from those wise and necessary measures, we trust that his Majesty's Councils will be directed in a spirit of well-considered and effective reform; and that the liberal and comprehensive policy which restored to the people the right of choosing their Representatives, and which provided for the emancipation of all persons held in slavery in his Majesty's colonies and possessions abroad, will, with the same enlarged views, place, without delay, our Municipal Corporations under vigilant popular control." In the first place that referred to property alluded to by the hon. Member for Oxford —namely, property left for specific purposes. He would cite a few cases in illustration of the hardships which would be inflicted on poor persons by that meddling with such property which was contemplated in the measure of the noble Lord. First, he would refer to the privileges now enjoyed by the freemen of Newcastle-upon-Tyne:—"Under the provisions of a recent Act of Parliament, the resident burgesses and their widows are entitled to a common of pasture each for two cows, being their own property, upon a tract of land belonging to the Corporation, containing about 1,100 acres, called the town-moor. The value of this privilege is estimated at about 10*l.* a-year. About 300 freemen enjoy this right. Under the same Act of Parliament a portion of this moor is enclosed, and let by public auction. It produces a rent of 200*l.* This is divided amongst such of the poor freemen and their widows as do not enjoy the right of pasturage. There are several charitable institutions in the town, the benefits of which are enjoyed exclusively by freemen and their families." Now this Bill, if it passed into a law, would have the effect of depriving all those who had complied with the conditions, and were disposed to take out their freedom, of the reversion of this 10*l.* a-year. He next begged to read an extract respecting Newcastle-under-Lyme:—"The burgesses are entitled to stalls in the market free of toll, and this privilege extends to the widows of burgesses. They are likewise entitled to pasturage on land round the town extending over 205 acres. This land was allotted in lieu of a right of common under an enclosure Act of the 56th George 3rd." The case of Beverly was still stronger:—"The burgesses residing within the town have the privilege of depasturing cattle, being their own property, on lands belonging to the Corporation, containing about 4,217 acres. They are allowed to depasture three cows in Westwood pasture, one horse in Hurn pasture, three beasts in Figham pasture, and six beasts in Swinemoor pasture, from the 14th of May to the 14th of February. This privilege, if enjoyed to its utmost extent, would be worth 25*l.* a-year." Before the House proceeded to interfere with the rights of absolute property, as the Bill proposed in reference to the privileges of the individuals in question, he called upon them to reflect whether, while they took all measures for subjecting the government of boroughs to popular control, they would in the case of many poor persons confiscate such a valuable property? Another class of corporate rights was proposed to be abolished by the Bill of the noble Lord, which must be felt to be a striking injustice, and to which he wished particularly to call the attention of the House, as involving a serious inconsistency in the conduct and policy of the noble Lord. He alluded to the deprivation of the rights appertaining, in the regular course of time, to children of freemen, and to those who had nearly served their apprenticeship, the right of voting for Members of Parliament—a right proposed to be continued to the present possessors by the noble Lord himself, and the principle of which was lately discussed and approved of, not under the pressure of any embarrassing opposition, but in a House friendly to him and his measures. These privileges were introduced by the noble Lord into the amended Reform Bill subsequently to the Bill being thrown out by the House of Lords, introduced as an improvement, and the noble Lord thereby plainly pledged himself that the corporate right of voting should be maintained in perpetuity. That was the time when the principle of this part of the subject should have been fairly discussed, and these corporate rights openly subverted, if the noble Lord had thought such encroachments essential to the principle of Reform. Now, however, when the principle under discussion had no relation to the right of voting for Members of Parliament, but to the better government of Corporations, the noble Lord proposed to unsettle and overthrow what he had established by his previous Bill. He thought that this was an inconsistency of proceeding which the noble Lord would not easily be able to reconcile to the satisfaction of the House. But, independent of the inconsistency displayed in the introduction of this clause by the noble Lord, he must confess, that he decidedly disliked the spirit of the proposition in itself. Its object obviously was to deprive the poor of all representation, of all shadow or participation of power, within the walls of Parliament. He thought that the manifestations of this engrossing spirit was peculiarly ill-timed and unwise at this critical period, when the injudicious working of the Poor-law Bill had given rise to such re-action throughout the country. If the noble Lord wished to meet the difficulties of the question, and to discuss the principles involved in this clause openly and boldly, let him bring in a Bill setting forth the position at which he was intent on arriving through his nominal Corporate Reform:—"Whereas numbers of freemen in various Corporations have abused their trust, and given their votes from corrupt motives; be it, therefore, enacted, that they shall be deprived of this power in future." But the noble Lord, with a degree of sweeping injustice for which it would be difficult to find a precedent, proposed, not only to deprive the freemen of the rights they now possessed, but also to take away the privileges which had for ages descended from father to son. He knew that he would be exposed to calumny elsewhere for bringing forward this Motion, but he totally disregarded the misconstruction which might be cast upon his motives. In conclusion, the hon. Member declared, that by whomever he might or might not be supported, by whomever, or in whatever way he might be opposed, it was his conviction that the operation of the Bill would be rendered more beneficial by removing from it even the suspicion of enactments which must appear to be unjust as well as unnecessary. For his own part, in bringing the Motion forward he had been guided by a strong sense of its justice and expediency, and he must add, that he had done so in obedience to the wishes of the great majority of his constituents.

Sir *Mathew White Ridley* rose to second the Motion, and expressed his surprise that several hon. Members should take the liberty of indulging in a sneer whenever the word freeman was mentioned. He could not tell what satisfactory reason might be adduced why this class of men should of all others be subjected to insult when their interests were brought under Parliamentary discussion. He was aware of instances of freemen having been censured at the Bar of that House, but he was also aware that they were not the only persons who had been so distinguished, for other classes were equally culpable. Some hon. Members were, however, in the habit of limiting their attention to cases that passed before them in that House, and to make those serve as the foundation for indiscriminate censure out of doors. That was not the feeling which legislators or statesmen should bring to bear on an enlarged question of this kind. It was hereby proposed to deprive freemen of the right of voting for Common Councilmen in their own Corporations. This was a decided injustice, which no excuse whatever could suffice to establish the expediency of. Then the chartered rights of apprentices, both in expectancy and in existence, were wholly disregarded. The apprentice had probably paid his master a large sum of money to learn his trade, and thereby step into the possession of corporate privileges, which were now to be annulled as far as his claims were concerned. Thus they would cancel the contract between master and apprentice. The master had now no tie over the apprentice; the latter might leave his master's business whenever he pleased, and (setting up for himself) claim an equality of privileges. All the ties of civil society which hitherto held these classes together for their mutual benefit, would be torn asunder. All would be confusion and disorder. There were some points of custom on which a question might naturally arise, how far their perpetuation or abolition might be conducive to the good government of Corporations —such as the right of voting for burgesses; but though Parliament might, perhaps, allowably exercise the power to deprive freemen of such a right, it could not (for it ought not) take away their individual property. It was said, that the subject was so extensive, and the number of freemen so great, that Parliament must interfere to legislate effectually for all; but the very fact that the freemen were a large body should be sufficient to make it pause before it committed such an extensive wrong as depriving such a numerous class of the properties they now individually enjoyed.

Lord *John Russell* said, he did not exactly know how to take the hon. Gentleman's Motion. He should suppose from the commencement that the hon. Member intended to maintain all rights of freemen absolute and inchoate; but when the hon. Member came to the end of the Motion, he saw reason to modify this supposition. On the proposition enunciated in the latter part of the Motion they might be almost all agreed. Certainly he should be ready to maintain all the privileges of freemen in so far as they were consistent with good and sound Municipal Reform. But he did not think that preserving them further than in the bill would be consistent with good Municipal Government and popular control over Corporate Funds. True it was, that in the Parliamentary Reform Bill they left the rights of those freemen untouched, but surely this was not to prevent them from bringing in such a bill as the present. The object of the Reform Bill was to amend the representation generally, and to give the right of voting to certain classes of persons; and although the hon. Gentleman quoted the first Reform Bill against him, he had no hesitation in saying that to that Bill he adhered. Undoubtedly they had made alterations in it, but under what circumstances? They had made amendments in it, but they did not regard them as tending to improve the Bill but as likely to conduce towards the carrying of the second reading of the Bill in the House of Lords. Some objections were made to the first Bill in the House of Lords involving alterations some of which were absolutely noxious, and none beneficial, and two of these, the least noxious, he had consented to adopt—namely, retaining the present numbers of the House of Commons and the maintenance of the rights of freemen. But for his own part he must say, that he would much rather have adhered to the first Reform Bill without alteration, had it been possible to carry it in that state through the House of Lords, because he thought that it would have introduced a better reform than that which was afterwards proposed. The question now was, whether in restoring and Reforming the Corporations, it was fit and expedient that provision should be made for continuing to the freemen their votes, with the privileges and properties which they now possessed. It was proposed in the present measure that the right of voting should be so extensive as to include the greater portion of the class of freemen, under the head of rate-payers. But he objected to the Motion proposed, on the ground that it continued privileges to individuals who were selected from the body of the inhabitants in general, who were selected from the rate-payers, and were very often of different opinions from them. His hon. Friend avowed his total ignorance of any impropriety of conduct on the part of the freemen. He must say that he was not quite so ignorant he had had repeated instances brought before him, showing that the existence of these freemen led to the grossest bribery and corruption. If his hon. Friend would wait until Wednesday, when it was understood that the minutes of evidence on the Ipswich case would be ready, he would perhaps find that the freemen were exceedingly open to bribery. What said the Report of the Commissioners? They stated that the freemen had been created not on account of good conduct, or industry as apprentices, or from any other similar cause, but that it had been the constant practice in many towns to admit scarcely any freemen until a Parliamentary Election was approaching, when a great number were admitted? the expenses being paid by the candidates. The Report says "Admission into the corporate body has commonly been sought mainly with a view to the lucrative exercise of the elective franchise. In those towns where a large body of freemen return Members to Parliament, the years in which elections have happened, or immediately preceding those in which they have been expected, are distinguished by the admission of a number greatly exceeding the average; even without the confirmation which particular inquiries afforded, it would have been impossible to avoid connecting the two events. At Maldon, 1,870 freemen were admitted in 1826, 1,000 of whom were admitted during the election. The average number annually admitted since that time is only 17. The following table, taken from a Parliamentary return, ordered to be printed on the 3d of February, 1832, shows the annual number of freemen admitted in 128 cities and towns from 1800 to 1831. * * * The years in which general elections took place are marked by an asterisk (*). The years 1813 and 1816 appear in the table as as if they were exceptions to the general rule, whereas in fact they confirm it. The Bristol return for 1813 includes the period from the 25th of September 1812, on which day Parliament was dissolved. In that year, 1,720 freemen were admitted at Bristol, instead of 50, which is about the average number of ordinary years. In 1816, elections took place at Glocester and Liverpool: in Liverpool 487 freemen were admitted, instead of the ordinary average of 30, and at Glocester, 415, instead of 30; making together 902, instead of 60. These last two are the only instances in which the effects of particular elections produce a very marked result in the general table.

Year.	Freemen.	Year.	Freemen.	Year.	Freemen.	Year.	Freemen.
1800	1,775	1808	1,256	1816	2,582	1824	2,237
1801	2,051	1809	1,270	1817	1,715	1825	2,655
*1802	5,782	1810	1,606	*1818	8,889	*1826	10,797
1803	1,397	1811	1,441	1819	1,430	1827	1,337
1804	1,245	*1812	5,918	*1820	4,605	1828	1,404
1805	1,473	1813	3,285	1821	1,468	1829	1,433
*1806	4,700	1814	1,357	1822	1,430	*1830	9.321
*1807	3,114	1815	1,480	1823	2,080	*1831	2,569

What did his hon. Friend think of these proofs? Was it not certain that in many cases the Members for the boroughs paid for the admission of the number of freemen who were admitted in the years of general elections? What would his hon. Friend say, moreover to the years 1825 and 1826? In the former the number of freemen admitted was 2,655 and in the latter it was 10,797. The bill before them exchanged that body of freemen for a body of rate-payers, who would not require to have the price of their admission paid for them—who would be admitted because they had been a certain time resident in the town, and because they had paid rates, not one single time but during three years, and because, therefore, they were considered as persons having an interest in the welfare of the town. The least harsh way then, under all the circumstances, of dealing with the freemen was to leave them for their lives the rights they now enjoyed. The hon. and learned Gentleman spoke of the inconsistency of taking the privilege from the children of freemen and not taking it from the freemen themselves. To enter generally into the consideration of inchoate rights would, in his (Lord J. Russell's) opinion, be very dangerous. He admitted that it might appear to be something of a hardship, in particular instances, to take the right away from the children; but he could see no better way of drawing the necessary line than that which had been adopted. He should, therefore, certainly oppose the resolution of the hon. Member, considering it, as he did, as tending to weaken and invalidate the bill, and considering it as a Resolution tending to preserve to persons who had misused it for a long period, the power of misgovernment in certain towns. He knew that the bribery to which he had alluded had existed, not only up to the time of the Reform Bill, but since the passing of that measure. He could, indeed, name instances in which it had been practised to a very late period. He should, therefore, oppose the Motion.

Colonel *Sibthorp* said, it was very wrong in the noble Lord to attempt to cast ridicule upon the freemen, who, although they might not be the possessors of confiscated Church-property, or proprietors of stalls in Covent-garden, were yet perhaps as independent, and as respectable as the noble Lord himself. The noble Lord talked indeed of Ipswich—was there nothing given, nothing promised, to anybody at Stroud or Tiverton? Oh, of course not! For in boroughs Whiggery and purity were always sure to be found together. One part of this bill would upset one of the principles of the Reform Bill, and, perhaps, when this measure should have passed into a law, we should have a clause in some other bill upsetting some of its principles. Vast numbers of poor freemen possessed rights and privileges under Corporate Charters as they now stood. He could state that many in the Corporation of Lincoln held leases in virtue of their rights as freemen and on the faith of charters. Would the noble Lord, the Secretary for the Home Department, destroy those charters, and rights to property while he allowed those of Woburn Abbey to remain untouched? Why should not the 10*l.* a-year of the poor freemen be held as sacred as those larger incomes which arose out of charters and grants from the Crown? Did the noble Lord mean to say, that the only persons likely to abuse their privileges were freemen? Were not three-fourths of the voters of Tiverton rate-payers? He must say, that the noble Lord ought to go to school again on these points, for, without meaning anything disrespectful to the noble Lord's private character he would, assert that on every public occasion the noble Lord had shown complete ignorance of public men and public matters.

Mr. *Robinson* felt bound to declare it as his opinion, that the noble Lord had travelled wide of the question which was embraced in the proposition of the hon. Member for Yarmouth. The noble Lord had opposed the proposition on the ground that its adoption would be injurious in its effects on the principles contained in the Municipal Reform Bill. Now, if he understood the proposition, it had nothing to do with the rights of freemen to elect members of the council, but simply referred to their rights of election as regarded Members of Parliament. [" Mr. *O'Connell:* Those rights are not touched by this Bill."] He should feel happy to give his support to the Bill if the elective rights of freemen to choose Members of Parliament were not interfered with, and provided that their rights, so far as concerned property, were also protected. With this reservation, he was decidedly friendly to the proposed measure; but he could not see how it was necessary, in order to effect improvement in the government of Corporations, to narrow the franchise for the election of Members of Parliament. He must be allowed to tell the noble Lord what he was sure would receive the ready assent of many hon. Members of that House. No matter whether the majority of the constituency by which they were chosen were freemen or householders, that though very great corruption prevailed amongst the freemen, that the exercise of august influence and intimidation was not confined to that class of voters. He could assure the noble Lord, from some experience, that the species of influence to which he had alluded was that to which poverty generally was open, and that which was carried into as frequent operation with respect to the 10*l.* householders as to the freemen. He could state as a fact, which might not be considered as altogether unimportant, when the rights of freemen in towns were called in question, that a considerable part of the constituency by which he had been elected possessed no household franchise. He wished, however, not to be considered as the advocate of corporate abuses; for though he had received support from some of the members of the Corporation of the town which he represented, the Corporation, as a body, had never supported him. To show that he had no personal interest to promote in favouring the view of the hon. Member for Yarmouth, he should not hesitate to give his support to the Bill of the noble

Lord, if the suggestions which he had ventured to offer were adopted. But the question now was, whether it were necessary to negative the proposition of the hon. Member for Yarmouth, in order to render the proposed Bill effectual for the purpose for which it was designed. If it had been shown to him that the principle contained in it would be fatal to the success of the noble Lord's Bill, he should feel bound to oppose it; but all that he had that night heard upon the subject had failed to produce such an impression on his mind. He could not but feel the necessity of warning the House against abolishing the rights of the freemen by a side wind. If there was something so corrupt, so inherently wrong in the system under which freemen were at all recognised, let the question as to the propriety of their continuance be dealt with openly, and by a direct vote, by which means the freemen would be allowed a fair opportunity of making their defence. He was favourable, therefore, to the principle of the proposition of the hon. Member for Yarmouth; and nothing had been said in his presence which altered his conviction.

Mr. *Hume* wished to remind the House of the course of proceeding which they were sanctioning, by entertaining, at that stage of the Bill, the proposition of the hon. Member for Yarmouth, and which was (unless it were the intention of the hon. Member and his friends to give every opposition to the Bill) exceedingly inconvenient and unfair. He did not understand what had already passed in that House, if it were not meant to confine opposition to certain alterations and amendments, and if the Bill had not received the general approbation of both sides. If this were the intention, what, he asked, was the meaning of the course now proposed? Would it not be far better to go into committee, and there discuss each clause as it was submitted? When they came to the consideration of the ninth clause of the Bill, the question involved in the proposition of the hon. Member for Yarmouth might be very properly raised. No practical result could arise on now coming to a vote on the Motion of the hon. Member; but if he submitted it in Committee, the clause to which it referred would be either affirmed or rejected, and the progress of the measure thereby advanced. He thought that the right hon. Baronet, the Member for Tamworth, had expressed his hope that the Bill would be allowed to go into Committee, and then that such amendments only should be made as would not injure the general effect of the measure. The proper course to pursue, then, consistently with such a recommendation, was to allow the Bill to go into Committee, and there discuss any proposition which regarded the supposed infringement of the rights of freemen. If, however, he were now called upon to pronounce an opinion as to the proposition of the hon. Member, he should say that one part of it was at variance with another, and that the continuance of the rights of "all freemen of existing Corporations, and those who are in the course of acquiring their freedom, and their descendants," would be found perfectly incompatible "with the institution of good Municipal Government, and the popular control of Corporate Funds." Being desirous, however, that a question which called for the serious attention of the House should be reserved for the discussion on the clause to which it related, he should not argue the principles of the hon. Member's proposition.

Lord *Sandon* felt called upon, in consequence of representing a considerable number of that class of voters with whose rights it was, he believed, meant to interfere, to offer a few remarks on the Motion before the House. He was inclined to think that the best course was to allow the Bill to go into Committee; but he must at the same time say, that he thought there were strong grounds on which the proposition of the hon. Member might be justified. The Bill professed to be one for "the Reform of Municipal Corporations, and the better government of these bodies;" but by the admissions which his noble Friend the Member for Stroud had made, it would appear to be a measure for the mending of certain clauses in the second Reform Bill, which had been, it was stated, adopted as the result of a sort of compromise which had been come to by that House. The noble Lord had in his speech that night thrown off the mask completely; for he admitted that he did not approve of the reservation of the rights of freemen, which were not allowed under the first Reform Bill, but that he consented to the change for the purpose of getting it passed through the other House of Parliament. The noble Lord did not, however, consider himself precluded (though he never told the House of his intention at the time) from introducing a clause in a Municipal Reform Bill which would have the effect of repealing the objectionable clause in the Parliamentary Reform Bill. He thought, therefore, that the hon. Member for Yarmouth was fairly entitled to object *in limine* to what the noble Lord admitted to be one of the incidental effects of his Bill. He hoped that, by the time the clause referred to came to be discussed, they should have acquired that degree of knowledge and information which, from the degree of haste with which the measure was pressed forward, it was almost impossible they could have attained, and which was essential in order to legislate properly on a measure which included such a number of Corporations, for each one of which a separate Bill might be fairly required.

Lord *John Russell*: I beg to explain. I never said that it was my intention to repeal any part of the Reform Bill, and yet the noble Lord stated that I avowed that such was my object, and that "I threw off the mask." I merely stated my opinion as to the preservation of the rights of freemen, but I utterly deny that that statement bears the construction which has been put on it by the noble Lord opposite.

Lord *Sandon*: I only stated that the proposed clause in the Municipal Bill would have the effect of altering the Reform Bill.

Lord *Stanley* agreed with the hon. Member for Middlesex, that in bringing forward a proposition of such a nature as that submitted by the hon. Member for Yarmouth, a course was adopted which was most unfavourable to the proper discussion of the Bill. If the first part of the proposition of the hon. Member were assented to, the qualifying words with which it concluded should be abandoned. He thought that the proposition might be fairly discussed, as one of the details which he was most anxious calmly to consider, and to adjust in such a way as to render the Bill most efficacious for the good government of Municipal Corporations. In the proposition of the hon. Member for Yarmouth, two questions, totally separate and distinct, were mixed up, namely, the rights which might appertain to freemen under the proposed Bill, and those rights which were secured to them under the compact of the Reform Bill. His noble Friend, the Member for Stroud, had stated that it was not his intention to alter the Reform Bill; but his noble Friend could hardly be thought to disguise from himself, or conceal from the House, that the clause which referred to freemen would have the effect of materially altering the Reform Bill. He should, however, reserve his opinion as to the propriety of that alteration. He only protested against confounding the two descriptions of rights, namely, those which freemen enjoyed under the Reform Bill, and the inchoate rights for municipal purposes, which might be reserved or extinguished by the vote to which the House might come when the present Bill should go into Committee. He was persuaded that it was an exceedingly objectionable mode of proceeding to move as an instruction to a Committee that which they had a perfect power to do; it was a practice which had of late years been very injuriously adopted by Parliament, and one which, in this instance, he should feel it his duty to oppose, though he did so under the conviction that he retained the right of canvassing the clause on which the proposition of the hon. Member bore with the most perfect freedom.

The *Speaker* observed, that the hon. Member for Yarmouth submitted the proposed alteration to the House as a Resolution, and not as an instruction to the Committee.

Mr. *Praed* felt no hesitation, after what had fallen from the noble Lord (Stanley) in withdrawing his Resolution.

Resolution withdrawn.

The House resolved itself into Committee, and the Chairman having put the question on the First Clause.

Lord *John Russell* said, that he considered it right to observe, that it was his intention, when alterations were effected, to refer them to a Committee, for the purpose of embodying them in precise terms. This course, which he intended to follow, was pursued in the cases of the Reform-Bill, and the Poor-Law Amendment Bill.

Sir *Robert Peel* wished to know whether the sense of the House would be taken on the schedule?

Lord John Russell replied, at the end of the Bill.

Sir Robert Peel expressed his approval of that course.

Mr. *Shaw* was understood to express

a hope that the rights of freemen, so far as regarded the election of Members of Parliament, should be reserved.

Lord *John Russell* spoke in a very low tone of voice, and observed that the provisions of the Corporation Bill were not inconsistent with the rights which freemen enjoyed in voting for Members of Parliament.

Sir *Robert Peel* remarked, that as this clause abolished all existing charters, the rights of the Crown should not be interfered with, unless by authority.

The *Attorney-General* thought that the provisions of the Bill could not be fairly construed into any unwarrantable infringement on the rights of the Crown.

Sir *Robert Peel* begged to remind the hon. and learned Gentleman, that there were one or two hundred Corporations, in some of which the Crown enjoyed distinct rights—in some the absolute right of nomination. All he desired was, that these rights should not be interfered with unless leave was given.

Mr. *O'Connell* said, that nine-tenths of the property, particularly in Ireland, were granted by the Crown, and yet that House did not hesitate to legislate respecting it. It was only when the personal rights of the Crown were interfered with, that they should feel any hesitation in deciding on the subject?

Mr. *Jervis* said, that in several places in North Wales, the Crown exercised the right of appointing the officers in the Corporation.

An *Hon. Member:* The Crown had lately exercised the right of appointing a Recorder in Lymington, though such a right had not for a long time previously been enforced.

Mr. *Blackburne* believed, that under the existing system, the Crown, had in one instance in North Wales, the power of nominating a Mayor, and in one or two instances the same power was exercised with regard to the appointment of town-clerks. In the proposed Bill, the right of the Crown, as to the nomination of Recorders, was retained.

Mr. *Jervis*: In Carnarvon, Conway, and all North Wales, the Crown had the right of nominating to offices in the Corporation.

Sir *Robert Peel:* There were some towns not included in either schedule A or B of the Bill introduced by the noble Lord. He was desirous to know what the noble Lord intended to do respecting them.

Lord *John Russell:* Some towns were omitted for peculiar reasons, which he should state before the discussion on the Bill closed; but the general objection to the insertion of the towns alluded to by the right hon. Baronet, was the smallness of the population.

Mr. *Scarlett,* in offering a suggestion with respect to the proposed Clause, said he should do so in a spirit to improve the institutions of the country, and in furtherance of the wishes of his constituents. He should, then, throw out of his consideration all the reports which had been circulated relative to the motives of those who had brought forward the measure; he would not consider it as a party measure, but as one which had originated from a sincere desire on the part of his Majesty's Government to place corporate bodies on a proper footing; but he should be directed in his opinion, and the course which he should pursue, by the manner in which Amendments proposed at his side of the House were received. He considered it most injudicious to hurry on a Bill of that nature, which stood in place of one hundred measures which might be introduced on the disposal of the rights, privileges, and charities which it embraced. When, therefore, all existing charters were proposed to be swept away by the first clause, he thought he did not say too much when he expressed it as his conviction that a measure of so much importance should not be suffered to pass through Committee without receiving all the attention which its importance demanded. He must own that he considered it rather a dangerous experiment to carry the measure into effect as it was originally proposed; but he could not suppose it to be the serious intention of his Majesty's Government to pass it into a law without making many considerable alterations. He regarded the Bill as a measure submitted for discussion, and open to very great alteration. It was because he took this view of it, that he consented to destroy all existing charters, as proposed by the clause then under consideration. It might be thought that, as one of the Members for Norwich, he had some personal interest in the maintenance of abuses, such a supposition was altogether without foundation. All those stories which had been circulated regarding

Norwich had not the least foundation in fact. He was anxious to reserve to the freemen the enjoyment of their rights and privileges, still he would protect no class beyond that degree which justice sanctioned.

The Clause agreed to. The second Clause also was agreed to. On clause 3rd.

Mr. *Scarlett* proposed an Amendment on the Clause. It was to the effect that the Corporations should be styled the Mayor, Aldermen, and Burgesses of——. He thought it would be a great injury to the community at large, as well as an act of gross injustice to the individuals, if the body of Aldermen were to be abolished. If the clause before the Committee was adopted the Aldermen would be degraded from the high station which they had hitherto enjoyed in society, as Mayors, or Magistrates of the city or borough in which they resided; and should the Town Council entertain any enmity to the class to which they belonged they would be made to suffer many annoyances in addition to that degradation. It would be extremely hard upon these gentlemen, all of whom were of a certain age, and almost all of whom were respectable, to be degraded from the condition in which they had "lived so loved so long," and be placed in that of overseers of the poor and surveyors of the parish roads. The reasons for retaining the Aldermen in the government of the cities and boroughs were very convincing. They represented a second estate as it were, and no measure could pass without their sanction. That the Aldermen were fully worthy to be made partakers in the civic administration he should only call in proof the Report of the Commission. In that Report there was not one word to charge them—those of the city which he had the honour to represent in particular—with improper administration of the Corporate Funds or any other egregious instance of bad government. It was true the report did not dwell at length on their merits, or expatiate largely on their virtues, but it gave them credit for discharging their duty. He should mention particularly the Corporation of Norwich and Liverpool. If the Aldermen were retained with equal privilege with the Town Council, it would make the measure more palatable to the people, cause it to work well, and reconcile all minds easily to the change.

Mr. *Bonham Carter* supported the Clause. It, in fact, related only to a name, and he thought that the discussion had better be postponed until the substance came before the Committee. Aldermen, where they existed were not necessarily included in the style and title of the corporation. Such was even the case of the city which the hon. Member represented.

Sir *Frederick Pollock* said, that if it were a question of mere name he should not occupy the time of the House for one single instant. Had it even been a change in the name, made purely for the sake of change, still he might not have resisted, but he would contend that although it was true that the margin of the Clause contained only the change of name, and went no further, the Clause itself effected a most material change of substance. The effect of the Clause was, not only that Corporations should be called by another name, but that they should do and suffer all the acts that hitherto had been done or suffered by the old Corporations. He admitted that opportunities might occur hereafter to discuss this point, but still he would maintain that the point was of considerable importance. In his opinion the House was at that moment passing one of the most material Clauses of the whole Bill. The Clause enacted that the new Corporations should exercise all the functions of the old, and surely it was worth while to consider whether certain integral parts of the old were to be retained in the new or not?

The *Attorney-General* said, that the clause continued the identity of the old Corporations, and the amount of the identity of the new Corporations was to be determined by the Act. The privileges of the old Corporations would be conveyed to the new. The Court of Aldermen might have all its functions preserved to it, although it might not be mentioned by name in the Corporation. There were numerous instances of this now existing.

Mr. *Hughes Hughes* stated, that the present style of the body corporate of the city he had the honour to represent was "the Mayor, Bailiffs, and commonalty of the City of Oxford;" that the Bill would abolish the office of Bailiffs, who, in cities and boroughs, performed the duties, which in counties devolved upon Sheriffs, of executing legal processes, and having custody of prisoners; and that no provision was made for the discharge of these important functions.

Viscount *Howick* admitted the importance of the office of Bailiff, and said, that under Clause 42, which gave power to the council of every city or borough to appoint town clerk, treasurer, and other officers, it would be necessary to make provision for the due discharge of the duties of that officer.

Mr. *Maclean* alluded to the annual ceremony, to which considerable aversion was felt, of the Mayor and sixty citizens of Oxford, making oath publicly before the Vice-Chancellor, to respect his authority. If that custom would be perpetuated under the words of this Clause, which enacted that the new Corporation should "do and suffer all acts which now lawfully" the present Corporation "may do and suffer," his hon. Colleague and himself were instructed to object to it; but he hoped the hon. Members for the University would at once consent to the abolition of a custom which was so strongly objected to that it was with great difficulty complied with. With this notice of the matter he would leave it for the present.

Mr. *Hughes Hughes* begged also to suggest that, as it was contended that under this Clause all the property and rights of the present bodies corporate would pass to the new Corporations, some additional words were necessary. He would illustrate his meaning by stating that the four lecturers of the City of Oxford were appointed or elected not by the whole body corporate, but by the Mayor, Aldermen, Assistants, and Recorder, as Trustees for the body under deed. The Clause would enact that the new Corporation might do all acts which might now lawfully be done by the present Corporation. He (Mr. Hughes Hughes) thought it would be necessary to add, "or by any members of the body corporate, as Trustees for the whole, or otherwise in their corporate capacity," or words to that effect.

Mr. *Goulburn* said, the suggestion of the hon. Member for Oxford was entitled to attention, and that there must be many similar cases.

Mr. *Scarlett* consented to withdraw his Amendment, reserving to himself the right of pressing it at a future stage of the proceedings.

Clause agreed to.

On the 4th Clause,

Sir *James Graham* wished to know the reason why the boundaries of certain boroughs were left by the Bill to be fixed by the King in Council. He would mention in particular the boroughs of Plymouth and Coventry.

Lord *John Russell* said, the borough of Plymouth included a large district, and it was necessary first to ascertain whether the bounds of the borough should be those of the Municipal Corporations.

Sir *James Graham* contended that it was highly objectionable that the boundaries of Plymouth and Coventry should be fixed by any other power than an Act of Parliament. The present Clause gave by far too great a power to the King and Council. In the Reform Bill, after the principle had been fully discussed, the power of fixing boundaries had not been confided to the King in Council, but had been exercised by the Houses of Parliament.

The *Attorney-General* wished only to remind the House that the King had possessed such a power from time immemorial. It had always been a part of the prerogative of the Crown. The House would, of course, be always open to any complaint against an undue exercise of the power.

Sir *Robert Peel* was never more surprised in his life than to hear the argument of the right hon. and learned Member. Here was a Bill which superseded all the prerogatives of the Crown. Here was a Bill which set aside all the charters granted by the Crown; here was a Bill which assumed for Parliament a right to supersede all those charters; and when the question occurred, whether there should be intrusted to Parliament the opportunity of fully discussing and finally determining the boundaries of boroughs, the right hon. and learned Gentleman turned round upon the House, and said, "Pray respect the prerogative of the Crown." He (Sir Robert Peel) would contend that, in conformity with the nature of the Bill, the metes and boundaries of boroughs should be determined by Parliament. In the case of the Reform Bill the House had pursued this course; in the case of the boroughs individually reformed prior to the Reform Bill, the House had pursued the same course; and now he contended that the metes and boundaries should be determined by Parliament, now that Parliament had made so total an alteration in the elective system, and had left no power in the Crown to settle the Question. In the present Bill new powers and privileges were given to persons and places, according to the determination of the metes and boundaries; the power, for instance, of taxation, and of exclusion from, or inclusion within a borough; and when the House was assuming the power of superseding the ancient charters, it ought at the same time to determine what the limits and boundaries of every borough ought to be. By the present Act many persons who would have to bear all the charges of the borough would not have the power of exercising the elective franchise. The owner of land, for instance, not occupying a house within the borough, would have to pay his taxes, but would not have a vote, and was it fit, therefore, that the Crown should have to determine the boundaries upon which such important differences would depend? In strict conformity with the Reform Act the fixing of boundaries ought to be reserved to Parliament. In the same manner ought to be reserved to Parliament the right of fixing the wards of boroughs. The only argument against this view of the subject was, that if the House were to postpone the operation of the measure until the metes and boundaries should be determined, and the wards fixed upon and constituted, the existing corporations might have the opportunity of alienating the whole of their property. He could not conceive any other principle upon which Parliament should act than that of its fixing the number of wards and councillors, and the boundaries of the boroughs. He should therefore move, when the clause came to the words Schedule B, line 42, to insert words to the effect of reserving these rights to Parliament, and that a Bill should be passed fixing the metes and boundaries of the boroughs, and which Bill, when it was passed, should be deemed as fully a part of the present Act as if it had been incorporated in it.

Lord *John Russell* thought the course proposed by the Bill was more convenient than that recommended by the right hon. Baronet. What the right hon. Baronet proposed was, that while the boundaries of particular boroughs remained as they were, the boundaries of other boroughs should be altered and settled by Act of Parliament. The case of the Reform Bill was not analogous to the present measure. The long period during which that Bill was under discussion, afforded an opportunity of obtaining the necessary information; but with respect to this Bill, it was highly desirable that it should be passed as speedily as possible, and that when it passed it should come into operation without delay. The right hon. Baronet himself had adverted to the danger which might arise of the alienation of the corporation property by the existing corporations. But besides the danger of alienation, they must consider the heart-burnings and animosities which would be engendered among the inhabitants of seventy or eighty boroughs, during the year or year and a half which might elapse before Parliament had settled the new boundaries, during all which time the preparations for the elections would be in progress. The adoption of the new municipal limits would in many cases be attended with the inconvenience of excluding the suburbs of many towns from any share in the municipal franchise. With respect to the inhabitants of the boroughs in question, he doubted not they would be as well satisfied to have the King in Council to settle the boundaries as this House; certainly, if they had to wait for a year and a half before the House gave them the benefits of the Act.

Lord *Dudley Stuart* said, that the Amendment of the right hon. Baronet (Sir R. Peel) was the same in principle with his own, because upon the same principle upon which he objected to the power of determining the limits of the wards, he (Lord D. Stuart) objected to the determining limits of the boroughs. He was sorry to object to any part of a Bill which had had the rare fortune of meeting with the approbation of every shade of political parties; at the same time he was compelled to give the Clause his opposition, because he thought it most objectionable in principle, and fraught with danger and inconvenience, that the King in Council should have the power of determining the limits of the boroughs. The Attorney-General, in recommending the Clause, had said, that it had always been the proper privilege of the King. But he would ask the House if that power and privilege was continued with regard to the other boroughs in the Clause? and why, if the House were to decide upon the limits of the boroughs in Schedule A, why they should consider the other boroughs of so little importance as to intrust them to another power, and not to their own? He considered that it would be more constitutional, and more in harmony with the spirit of the Bill, that that power should be kept in the hands of the House. Let His Majesty's Ministers consider the mischiefs that might arise,—he did not say would,—but might arise from the Clause as it stood. They said "the King in Council." But who was "the King in Council?" Why no other than the Minister of the day. He was glad to say, that they had to-day a Minister in whom he, for one, could place confidence. But who knew what Minister they might have to-morrow? It was not a very long time ago that they had Ministers not quite so good as those they had now; and it might happen that they might in a short time have some much worse. He contended that in legislating they ought to endeavour to decide so as to secure the greatest possible good, and to place no discretionary power anywhere, but in those hands in which it was sure not to be abused. Great injustice might be done by the Clause. He would put the case of a borough which might, perhaps, have been perfectly free, but the "King in Council" might think fit to add to it some other place beyond the present municipal limits. Such a thing might be done, and it was not improbable that it would be done, and then put the case of an election for Members of Parliament in a borough hostile to Ministers. Every one knew the great influence which Corporations obtained over elections; but if they altogether altered the Corporation—if they swamped the borough by the addition of another town, might they not influence the election of a Member of Parliament? He said that those did deserve consideration. The noble Lord said,—"Oh, if you detain the Bill for a year, or a year and a half, it will have the effect of an uncertainty in all the boroughs, which were to be the limits of their boroughs." But what security had they that the King in Council would immediately fix those limits? He might defer them as long as he pleased; and might not the inhabitants thus be kept in uncertainty for three, five, ten years? He thought it was improper and unjust that the inhabitants of those boroughs (there were 83), should be kept in that suspense and inconvenience, and uncertainty. It was a blot upon the Corporation Bill—that excellent Bill; and he could not but believe that Ministers would yield to the suggestion: if not, he hoped that in a division the House would show their feelings upon it. His was an amendment that must be supported by men of opposite feelings. They had heard one distinguished Member declare forcibly his sentiments upon the subject, and he could not imagine himself opposed by those who were distinguished by a watchfulness over the rights of the Crown. He, therefore, looked forward with confidence for a division, unless the Ministry would either postpone, or alter the Clause; and whether the right hon. Baronet would press his or not, he (Lord D. Stuart) felt so strongly upon the Question, that he should think it his duty to press his. He therefore moved, that all the words after the word "as," in line 44, should be omitted, for the purpose of inserting these words, until they shall be otherwise settled by Act of Parliament."

Sir *Robert Peel* said, his object was not to postpone the operation of the Bill, and therefore he was ready to consent that the boundaries of the existing boroughs should continue until they should be otherwise settled by Parliament. If, therefore, the noble Lord, the Member for Stroud, would accede to the proposition that the metes and boundaries of the existing boroughs should remain as now, until otherwise settled by Parliament, and in the mean time apply the principles of the Bill wherever it might be necessary, it would be unnecessary for him to trouble the Committee further.

Lord *Dudley Stuart* observed, that all he wished to secure by his Amendment was, that the boundaries should be altered by an Act of Parliament, and not by an Order in Council. In that Amendment he thought the great body of the Committee would go with him.

Viscount *Howick* remarked, that though the right hon. Baronet, the Member for Tamworth, had said he did not seek by the Amendment he had suggested, to postpone the operation of the Bill, yet he thought the right hon. Baronet had not seen all the difficulties which the adoption of that suggestion would throw in the way of a successful operation of the measure. If the question of the boundaries were allowed to remain unsettled while the other portions of the Bill were permitted to come into force, much inconvenience and some injustice would arise. The noble Lord, the Member for Arundel, had objected to this power being conferred upon the King in Council, because he had been pleased to say the present might be succeeded by a worse Government, and these powers might be abused. He could not think that any Government would make so improper an use of the powers with which it was invested by the Legislature, and by whom every Government would be watched over. The boundaries under the Scotch Burgh Reform Bill, had been settled by Orders in Council, and no objection had been raised to the provisions of that measure in this respect, even by the right hon. Baronet, the Member for Tamworth. No complaint had been made, either by petition or otherwise, of the manner in which the Scotch Burgh boundaries had been fixed, and he thought, with this example, the same powers might most advantageously be conferred in the Bill now under consideration.

Lord *Dudley Stuart* said, that his objections to the clause were founded on principle, and had not been removed by anything he had heard from the Noble Lord who had just sat down.

Mr. *Poulter* said, that unless the clause as framed was retained as part of the Bill, the door would be opened to very great injustice in many districts. Without this clause the councils of the boroughs might levy rates, in the nature of county-rates, upon districts with which eventually they might have no possible connexion, and thus impose a grievance, the extent of which could not be known. He would rather intrust the powers of fixing boundaries to the King in Council than that this Question should be postponed.

Sir *James Graham* said, that no person was more anxious than he was for the removal of corporate abuses, and with this feeling he could not be thought to be disposed to frustrate the objects for which this Bill was framed. He had no regard to any particular city or borough, but he had a great regard to constitutional principles, and he was not prepared to delegate to the executive Government powers which more properly and rightly could be carried into effect by the Legislative Body. On that ground, therefore, he was disposed to support the Amendment of the noble Lord, the Member for Arundel. That Amendment could not, in his judgment, create any delay; and though he admitted some inconvenience might arise, yet it was better it should be incurred than that the course proposed in the Bill should be followed. He could not conceive why, as in the case of the Reform Act, the boundaries should not, in this instance, have been fixed and determined by a separate Bill. On the whole, he should support the Amendment.

Sir *Frederick Pollock* said, that the Clause as it now stood, provided for two classes of boroughs—first, those which had now the Parliamentary boundaries as settled under the Reform Act, and secondly those the boundaries of which it was proposed to be settled by the King in Council, or that "they should be and remain as they now are." These last words prevented the possibility of any such event as had been contemplated by the hon. Member for Shaftesbury (Mr. Poulter). He was opposed to the adoption of a new principle —a principle entirely at variance with the constitution—in the deciding upon these boundaries. He said at variance with the constitution, because he denied the authority of his hon. and learned Friend, the Attorney-General, in respect to what he had urged as to the prerogative of the Crown in this respect, and still more did he object to such a prerogative as had been contended for by his hon. and learned Friend, when he looked to the 79th section of this Bill. His hon. and learned Friend had said, that it was the prerogative of the Crown to settle the boundaries. So it might be in boroughs newly created, but he denied any such prerogative where the boroughs were to be enlarged, unless the parties already holding a charter, and those intended to be included in the enlargement, should consent. It was new to him to hear that the prerogative extended *in invitos*. He had stated that he was opposed to the Clause on these grounds, and still more so when he referred to the provisions of the 79th section. That Clause gave a power to the council to be elected under this Bill, to tax their borough, and make a rate in the nature of a county-rate, and with such a provision in the Bill, he further objected to the present Clause, which would confer upon the Crown the power to say by whom that tax should be levied.

Lord *John Russell* begged to repeat, that whilst the Parliamentary boundary would be often too wide, the old municipal boundary would be often too small, and would not include half the town. He could not agree, therefore, to the Amendment of the noble Lord, the Member for Arundel. He, however, had no objection to add at the end of the Clause words to the effect, that His Majesty having appointed a Commission to settle the boundaries, the Report of that Commission should be laid before Parliament at its meeting, and the boundaries therein named should be and remain the boundaries of these boroughs, unless Parliament should otherwise decide.

Sir *Robert Peel* apprehended that Parliament possessed the right to alter the boundaries, without any such reservation as that stated by the noble Lord, the Member for Stroud.

Viscount *Howick* could point out a case in which, under the Boundaries Bill that was passed upon the Reform Bill being completed, twelve or fourteen villages were included within the limits of a borough from which they were very distant. In such a case it would be at once inconvenient and unjust to make the villages subject to municipal taxation, for objects which they could not be supposed to have in common with the borough in question.

Sir *Robert Peel* observed, that the noble Lord, in answer to his argument, had stated that he knew of a particular borough in which the limits were so extended by the Reform Act as to include many distant villages, to which great inconvenience would arise if by the present Bill they should be obliged to contribute to the support of a corporation, in whose interests, from their remoteness, it would be impossible for them to share; and further, the noble Lord had contended, that although it might be proper to include the whole of the constituency of these extended boroughs for Parliamentary purposes, still it would not be proper to include them as voters for mere municipal purposes. Besides this, throughout the whole of his argument the noble Lord assumed, that if the Amendment of the noble Lord, the Member for Arundel, were adopted, the limits prescribed by the Reform Act were the limits which would be established under the Bill then before them. The fact was just the reverse; for if the Noble Lord's Amendment were carried, the old municipal limit of the borough was the limit which would be established, until some other limit had been constitutionally determined upon. He apprehended that, in almost every instance, it would be easier to extend than limit the boundaries. But the Question now to be considered was, whether the Commissioners appointed by the Crown should have the power to extend the limits? It was now said that they were not to have that power—that they were simply to be empowered to divide the large towns into wards; and in reference to that point, the noble Lord had quoted the Scotch Act, where the powers of the Commissioners were so limited. But if the noble Lord, and the Government of which he was a member, intended to adhere to the provisions of the Scotch Act, they undoubtedly ought to assent to the Amendment moved by the noble Lord, the Member for Arundel. It appeared to him (Sir R. Peel) that both the noble Lord's (Howick) arguments had completely failed; and as the inconvenience of retaining the old municipal limits for the next election would be so extremely small, he trusted the House would consent to adopt them.

Viscount *Howick* confessed he had been greatly amused at the manner of the right hon. Baronet who had just sat down. The right hon. Baronet had accused him (Lord Howick) of applying the instance of the Scotch Bill, and of making a mistake with respect to the Question really before the House. Upon one point, at least, the right hon. Baronet was in a mistake: it was not he who stated that the powers of the Commissioners to divide a borough into wards, or to alter or extend the limits of a borough, were identical and the same. He never stated, that those powers were analogous; but it was the right hon. Baronet himself who had made that statement. The right hon. Baronet first of all stated, that it was the dividing into wards which would be unconstitutional on the part of the Crown. In fact, the right hon. Baronet had placed a notice upon the Order Paper, to the effect that he should submit a Motion to prevent the introduction of the unconstitutional practice of dividing boroughs into wards by an Order in Council. [Sir *Robert Peel*: The noble Lord will pardon me for interrupting him; I placed no such notice on the Order paper.] Viscount Howick was always ready, if he made a mistake, to acknowledge it frankly. He gave the right hon. Baronet the full benefit of the fact, that the notice was not placed on the paper; but he appealed to the recollection of the House, whether the right hon. Baronet did not state, in his speech the other night, that he intended to call the attention of the Committee to what he conceived to be the unconstitutional proposition of the Bill, that the King in Council should have the power of dividing boroughs into wards? He appealed to the recollection of the House, whether, in his first speech, the right hon. Baronet did not treat the two Questions as, in fact, resolving themselves into one—whether, in fact, they were not perfectly analogous? The observations which he had made, were precisely based upon that argument. He said it was perfectly true that the two powers were of a similar character, that they were, in fact, analogous to each other, that they were both questions of local interests, and liable to be acted upon by local influences—that almost every one of the towns which would come within the operation of the Bill, had grown out of the old municipal boundaries—that they included the ends of many streets, and the whole of many considerable boundaries, and therefore he urged that if the House did not grant the power proposed by this Bill to be conferred upon the King in Council, one of the two consequences must ensue—either the modern extension of the limits of the old boroughs must be wholly excluded from all the benefits of the Bill, in its first operation, or else the limits of each must be allowed for a while to remain at the inconvenient extent to which he had primarily alluded.

Mr. *H. Twiss* said, that the object of Ministers was evidently to preserve in their own hands a power which was extremely unconstitutional. He had always understood that this Bill of Municipal Reform was to carry out the principle of the Reform Bill, and yet two Questions had come on that night, and in both had Ministers departed from the analogy of their Reform Bill. The reasons which induced him to oppose this Clause were not the same reasons with those which had been stated by the noble Member for Arundel. One of the reasons stated by that noble Lord was this—that though he did not consider the present Ministers likely to endanger the liberties of the subjects, there might be other Ministers who would do so. Now every thing was possible. But he considered that the possibility to which the noble Lord had adverted was too remote to deserve consideration. His reason for opposing this Clause was directly the reverse of that stated by the noble Lord. His reason was, not that he trusted Ministers entirely, but that he did not trust them at all. For he could not forget, although he was excluded at the time from Parliament, the manner in which Tavistock, and Malton, and Calne, had been spared, when Aldborough, and Boroughbridge, and Appleby, and the other boroughs of their opponents had been sacrificed.

The *Chancellor of the Exchequer* observed, that the hon. and learned Member for Bridport had not been so steady a friend of the Reform Act as to render his testimony respecting its principles of any value whatsoever. He would not follow the hon. and learned Gentleman into the extraneous topics into which he had entered. The House was not in Committee to bandy sneers at Ministers, or at the Opposition, but to consider how they could best make this Bill perfect. Between the Reform Bill and the present Bill there was this difference. It behoved the House to use stricter vigilance with regard to the boundaries under the Reform Act, as they related to the elective franchise, than it used with respect to the municipal boundaries, in which municipal privileges only were involved. He did not in the slightest degree trench upon the importance of the municipal towns, but he maintained that the mode in which their corporate Representatives were elected did not trench upon the same constitutional ground as the mode in which Representatives in Parliament should be chosen. Since the passing of the Reform Act great facilities had been given towards the fixing of the limits of every municipal borough in the kingdom. It was proposed to appoint Commissioners for that purpose; and he for one saw no difficulty in the introduction of a Clause into the Bill, declaring that all the boundaries proposed to be established by the Commissioners should be submitted to Parliament. in the next Session of Parliament. The object of the Bill was to protect the public from abuse; but if they were to be driven to the Parliamentary boundary, which was so extended and so inconvenient, or to the old municipal boundary, which was so confined and inexplicable, hon. Gentlemen must know that the first effect of the measure would be to make the rating of the town wholly impracticable. He understood his right hon. Friend opposite (Sir Robert Peel) to assert distinctly that we ought to suspend the operation of this Bill until the municipal boundaries were ascertained; but, as appeared to him, the answer made to that assertion was most satisfactory—and it was this—" Will you declare the present system to be wrong, and yet allow it to remain another year in existence?" He hoped that the friends, the real and sincere friends of Municipal Reform, would pause before they created in this Bill a change which must of necessity produce heartburning and dissatisfaction, and which would make it in its year of probation imperfect in itself, and unpopular and inoperative in its consequences. It was quite time, as had been remarked by his right hon. Friend, the Member for Cumberland, that in the first Reform Bill which was sent up by that House to the House of Lords, power was given to the Crown to stake out the boundaries of the different boroughs which it called into Parliamentary existence, but his right hon. Friend would also recollect that a proviso had been introduced into that Bill to prevent it from coming into operation, in case of a dissolution taking place before it was passed. To meet a difficulty which could not arise in the present case, that proviso had been introduced; but though there was good reason for introducing a proviso of that kind into the Reform Act, there was no reason at all for introducing it into the present measure. The right hon. Gentleman concluded his observations by announcing his intention to support the Bill as it stood at present.

Mr. *Goulburn* said, he should follow the example of his right hon. Friend who spoke last, and introduce nothing of a personal nature into this discussion. He could not agree with the noble Lord (John Russell), that this was merely a question of convenience. It involved a principle—and a principle, too, of the highest importance. The Bill, as it now stood, gave to the Municipal Council a power of taxation, and then it gave to the Crown the power of saying upon what persons that tax was to fall. This was nothing more nor less than giving Government the power of saying what district should be taxed. He must protest against a course so utterly unconstitutional. They were told by his right hon. Friend (the Chancellor of the Exchequer) that the Reform Bill was a more extensive and a more important measure than the present, and that in a measure where the Question was to settle and extend the right of Parliamentary Representation the same degree of jealousy, and the same extent of precaution was not required. No man was less disposed than he was to undervalue the right of representation. The Members of a Reformed Parliament should recollect that they had no more important right to exercise than that of watching over and checking the taxation of their constituents. They were told no great inconvenience could arise, as the boundaries would be subject to the future revision of Parliament. He did not expect to hear a Chancellor of the Exchequer say in that House that it was indifferent where, or upon what parties, or to what extent, taxes were imposed, provided their imposition was accompanied with a power of future application to Parliament. This was the first time he ever heard such a principle laid down. They were told that the Amendment, if carried, would involve the Corporations in dissension, and that the greatest inconveniences would arise. The course proposed in the Bill would more certainly lead to these consequences. Nothing could tend so effectually to produce discontent and heartburnings. Was it to be supposed that surrounding districts proposed to be included in this Bill for municipal purposes would not be discontented at having taxes imposed upon them without their consent? Would it prevent heartburnings and discontent to tell them that a power was reserved to them of future application to Parliament. But, said his right hon. Friend (the Chancellor of the Exchequer), we have all the facts connected with the boundaries before us. They are in a state of readiness for immediate application. If such was the case, why not act upon them immediately? Why not appoint some one or more Gentlemen, competent to the task, to look over and arrange these facts? It could not be difficult, and might be completed before the Bill passed. A Commission, they were told, was to be appointed to settle the boundaries. As the Bill was to come into operation by the 1st of October, a Commission would scarcely be able to close their labours by that time. Looking at the principle of taxation involved in this part of the Bill, the unconstitutional power it gave to the Government, the confusion and inconvenience it must necessarily give rise to, he thought it was the duty of the Committee to support the proposition of the noble Lord.

Mr. *O'Connell* congratulated the right hon. Gentleman who had just sat down, upon his great constitutional anxiety. The right hon. Gentleman was exceedingly anxious that the people should not be taxed without being represented. The present Bill, said the right hon. Gentleman, extends taxation. If it extended taxation, it extended representation also. If the people were to be taxed, by whom were they to be taxed?—by their Representatives. So that after all, the Bill extended the constitutional principle which the right hon. Gentleman was so anxious not to have abridged. The people could not be taxed except by their Representatives, and being taxed, what were they taxed for?—for remote objects—for objects foreign to their interest — for objects abroad? No: for their own local purposes —for their own local benefit and advantage. He (Mr. O'Connell) submitted to the right hon. Gentleman, that his constitutional anxiety might be fully satisfied with that. The House, by the Amendment of the noble Lord (the Member for Arundel) had got rid of the delay which would have arisen from the adoption of the proposition of the right hon. Baronet (the Member for Tamworth); but were there not other difficulties to contend against? The noble Lord (the Member for Arundel) said, he had full confidence in the present Ministry; if that were the case, he implored the noble Lord to show it. Ministers could have no sinister motive in the provision which they proposed to carry. The noble Lord by persisting in his Motion would only be exciting a want of confidence in them that would be warranted only by their doing wrong. The Bill was entitled "A Bill for the Reform of Corporate Abuses." The effect of the noble Lord's Amendment would be to confine the operation of the Bill to the old municipal limits of every borough. How would that operate? The Reform would extend to No. 16 in a street, but would not reach No. 17; it would include one side of a street—it would leave the other untouched. Could anything be more absurd? The noble Lord, he believed, was not a bit-by-bit Reformer; yet the proposition he then made was of the worst species of bit-by-bit Reform: it would reform one house without reforming the next; it would reform one side of a street without reforming the other. He (Mr. O'Connell) thought, that the boundaries prescribed by the Bill should stand for ever, unless they were petitioned against within the first six weeks of the next Session of Parliament. So many dry-nurses presented themselves to support and cherish the Bill in the second reading, that he was afraid it would be smothered with kindness in Committee. He trusted it would escape such a fate; and he trusted that the noble Lord, being a sincere Reformer, would not press his Amendment to a division. If the noble Lord should do so, he hoped the House would meet this first check to the Bill by a triumphant majority.

Sir *George Clerk* said, that as the hon. Member seemed very apprehensive that if the Amendment were carried, the Bill would be ruined, he hoped the House would allow him to refer to the Scotch Municipal Corporation Reform Bill, which was framed upon the principle of the noble Lord, the Member for Arundel (Lord Dudley Stuart) and was nevertheless approved of by all parties. Some objection arose from many of the towns having greatly increased in size, and that there were parishes and towns beyond the bounds of the Municipal Corporations. But the hon. Member thought that the parishes at present beyond the boundaries would be very anxious to be included in the limits. He said, "to be sure, they are taxed, but by their own Representatives." He believed that if the choice were given them, to be taxed by their Representatives, or remain unrepresented, without taxation, they would be inclined to choose the latter. In regard to some of the large towns it was generally supposed that Commissioners were to be sent to inquire into the practicability of an extension of bounds. He believed no measure would meet with greater opposition. Either Government had the materials of information before them, or they had not: if they had, why were they not prepared? [Lord *John Russell:* "We have not."] The noble Lord said not: then they were to issue a Commission for the purpose of ascertaining. Now he would ask the House, whether, after the passing of the Bill, in the course of six weeks or two months, whether any Commissioners could fix those boundaries in time for the Bill to come into operation by October next? [Lord *John Russell*: "The last day of October."] Very well, but the list must be made up by the last day of August. He would ask the noble Lord whether, after issuing the Commission, he could expect any Report to the Privy Council before that period, and therefore to prevent the extreme confusion that would arise from such a course, he would vote for the Amendment of the noble Lord (the Member for Arundel).

Lord *Dudley Stuart* replied, amidst cries of "Divide!" and "Withdraw!" He was understood to say, that when he saw who were the Gentlemen that now stood forward as the champions of the Crown;—when he beheld the noble Lord (the Secretary for the Home Department) the right hon. Baronet (the Member for Nottingham) the right hon. (the Chancellor of the Exchequer) and the hon. and learned Member for Dublin, stand up for the prerogative of the Crown—he could not refrain from expressing his astonishment. He thought it a blot upon this otherwise admirable Corporation Reform Bill to introduce into it so unconstitutional a principle as that which this clause contained. He could not assent to the proposition made to him by the hon. and learned Member for Dublin; on the contrary, he must persist in carrying his Amendment to a division.

The Committee divided on the original Motion: Ayes 279; Noes 192—Majority 87.

Clause to stand part of the Bill.

Clause 6th.—Occupiers of houses and shops, rated in three years to the relief of the poor, entitled to be burgesses if resident within seven miles.

Lord *John Russell* said, that the clause, as it now stood, required that a person pay all his rates within six months previous to the revision of the burgess roll, but as no certain day was fixed for the revision of the burgess roll, a person might by some accident lose his franchise; he therefore would propose that a person should be entitled to be a burgess on paying up all his rates, except those due within six months previous to the last day of August. The Amended Clause would place persons in this situation—that they must have occupied premises in the borough two years and ten months before the day of the revision of the burgess roll.

The Chairman read the Clause.

Mr. *Jervis* said, that in his opinion the effect of the clause, as it at present stood, would be, that any person occupying a warehouse, shop, or premises to any extent whatever, within the borough, whatever his amount of rating might be, or whatever his circumstances — whether he were a bachelor having a lodging of his own private occupation, or a married man residing with his family within seven miles of the borough—would be entirely and wholly disqualified from voting. The wording of the Clause was extremely limited; it merely provided "that any person who on the last day of August in any year, should have been an inhabitant householder within any borough, or within seven miles thereof, and should have occupied any house, warehouse, counting-house, or shop." The objection would have been removed if the Clause contained the words "or other buildings," which were entirely omitted, and the insertion of which he conceived would obviate the objection to which he had directed the attention of the Committee.

The original Clause was negatived.

On the Amended Clause proposed by Lord John Russell being put.

Lord *Stanley* said, that he had given notice of his intention to move an amendment in that place, not for the purpose of opposing the proposition made by his Majesty's Government, but with the view of effecting the object they professed their anxiety to attain. He did not quarrel with the proposition made by his noble Friend that three years' continuous occupancy should be one of the tests which should entitle a man to the municipal franchise; it was only with the view of more strongly ensuring that three years' continuous occupancy, that he now rose to propose an amendment to what he almost hoped his noble Friend would not object. The insertion of the words "of the whole of," had certainly removed some ambiguity which he felt persuaded the Clause, in its original shape, contained; but a continuous occupancy for three years was not yet provided for. It was quite clear, that by the Bill, even as it was now altered, a person occupying, during the whole of 1833, the whole of 1834, and up to the end of August, 1835—a period of very little more than two years and a half—would be entitled to the elective franchise. The words he proposed to insert, really with the *bonâ fide* object he had already stated, were these—after the words "within such boroughs,"—"for the space of three entire years then next preceding."

Sir *Robert Peel* did not complain of the noble Lord substituting one clause for another: he merely mentioned the fact as an excuse for any want of readiness in the objections that might be urged, because it really was very difficult for hon. Members to accommodate their amendments to a clause which he had read a minute before for the first time. He understood the noble Lord's amendment to extend to "any house, warehouse, counting-house, or shop." Now, in the first place, he wished to put the case of a wharf, a wharf might be rated at a very large sum, and its proprietor might reside within seven miles of the borough, and yet he, although in every other respect one of the description of persons which the noble Lord wished to enfranchise, would be deprived of the privilege because he would not come within the precise definition selected by the noble Lord. Again, let them take the case of an office—a solicitor's office for instance. He did not think the words, "house, warehouse, counting-house, or shop," would include even the proprietor of this class of tenements. He therefore begged to suggest the introduction of the words "office or wharf," after the word "shop"

Mr. *Bonham Carter* understood the wish and intention of his noble Friend to be, to confer the right of voting on any person possessing rateable property within the borough. Without confining himself at the present moment to the precise words of any definite amendment, he would take the opportunity of suggesting that including all persons who should occupy any lands, tenements, or hereditaments within the borough, of such a nature as would be rated to the poor, would have the desired effect.

Sir *Robert Peel* might, perhaps, not get credit with some portion of the House for a desire to render the provisions of the Bill as efficient as possible. This, however, was the motive by which he was actuated, and with this object in view, he must say that he thought the adoption of the suggestion made by the hon. Member who had just sat down would be productive of very great abuses. Take the case of a man owning houses in a village within five miles of the borough, and five acres of land within it. It was quite clear that he might qualify all the resident householders in the village to vote for the borough, by giving them a nominal interest in the land. He thought they ought to admit land to some extent, but certainly not to an extent so liable to abuse.

Lord *John Russell* concurred in the objection urged by the right hon. Baronet to the suggestion of his hon. Friend behind him (Mr. Bonham Carter). The introduction of the word "land" would be liable to the abuse adverted to by the right hon. Baronet, while the insertion of the word "tenement" would admit every place that was rated, even at the lowest possible amount, and thereby intrust the franchise to a class of persons who might not exercise it in the manner contemplated by the Bill. He saw no objection to the introduction of the words "office or wharf," but as there were several other descriptions of property to which the same argument might apply, such as mills, farm-houses, distilleries, or brewhouses, and as he was not desirous to exclude one description of property while he specified another, he would, with the permission of the Committee, take time to consider the form in which it would be desirable to word the Clause.

Mr. *Hardy* proposed, with the view of guarding against the occurrence of the case suggested by the right hon. Baronet the Member for Tamworth, that land, to confer a qualification, should be required to be rated to a certain amount—no matter to what amount—whether it was 2*s*. 6*d*. or 5*s*., or any other sum, so long as it was something beyond the amount at which land, subdivided for the mere purpose of creating votes, could be rated. As he understood the object of the clause to be to require a *bonâ fide* residence of three years, and as he thought the proposition of the noble Lord the Member for Lancashire (Lord Stanley) was calculated to further that object, he felt inclined to support the noble Lord's amendment.

Sir *Samuel Whalley* opposed the proposition of the noble Lord, the Member for Lancashire; the effect of which, in the event of its being carried, would be to disqualify every man who might chance to have occupied one house continuously for two years and eleven months; and to require, in fact, a residence of three years and eleven months as to the qualification, As quarter-day was the usual period for making a change of residence, and as Michaelmas-day occurred in September, he thought the substituting the last day of September for the last day of August, (the period at present fixed by the Bill) would be very desirable, and calculated to remove the objections which had been urged.

The *Attorney-General* expressed his opinion that all ambiguity was removed by the introduction of the words "from the first day of January in the year of our Lord ——," which would prevent any man from voting at the annual elections unless he had occupied the same house for two years and ten months previously. This was the very shortest period of occupancy permitted as a qualification by the Bill, while the proposition of the noble Lord, the Member for Lancashire, would make it three years and ten months.

Sir *Robert Peel* inquired whether a person, being on the burgess roll, and afterwards ceasing to reside, would not be entitled to vote in the interval?

The *Attorney-General* replied, that the case was not very likely to arise, inasmuch as the annual elections, unlike the elections for Members of Parliament, would take place very shortly after the registration.

Sir *Robert Peel* repeated his objection, and expressed his opinion that in such a case a man would be considered as entitled to vote.

Mr. *Divett* submitted that the amendment of which he had given notice was one which ought to be put before that of the noble Lord the Member for Lancashire. He entreated the Committee to suppose a case in which considerable excitement and party spirit prevailed. In such a case a man might be called upon to prove his rating for three years, and to produce the necessary vouchers, which it would be almost impossible for him to do. The effect of the clause, in its present shape, would actually be to disfranchise a large number of persons; and with the view of preventing such a result, it was his intention to propose an amendment, to the effect that the proof of one year's rating should be considered sufficient.

The Amendment moved by Lord Stanley was put from the Chair.

Mr. *Warburton* supported the Motion of the hon. Member for Exeter (Mr. Divett) and objected to that of the noble Lord, the Member for Lancashire, on the ground that the latter would require a continuous occupancy of three years and ten months.

Mr. *Robinson* expressed his opinion that a continuous occupancy for two years would be sufficient for every purpose that could be required.

Mr. *Grote* felt strongly disposed to support the Amendment announced by the hon. Member for Exeter. Under the bill in its present shape, a man who omitted his rating for a single quarter would be bound to begin his three years' qualification over again, however much of the time might have expired, and all his previous occupancy would count for nothing. As the making an occupancy of three years the test of qualification would have the effect of excluding a very important and unexceptionable class of persons, he certainly preferred the proposition of the hon. Member for Worcester which substituted two years instead of three.

Sir *Robert Peel* said, that his only object was to ensure a continuous occupancy for three years, which he understood to be the *bonâ fide* and original intention of the Bill. He did not thing that the Amendment of the noble Lord the Member for Lancashire would have the effect of extending the period; and he should therefore vote in favour of his proposition.

Lord *John Russell* said, that under the Amendment of the noble Lord the Member for Lancashire the period of occupancy could never be less than three years, and might be four. The objection urged by the hon Member for the City of London (Mr. Grote) was provided against by another Clause of the Bill.

Lord *Stanley* repeated, that his only desire was to do that which he understood to be the object of the Government, and to fix a period of three years' residence as the *minimum*. More than this he did not seek to obtain; less than this he certainly should not rest satisfied with. He had heard no reason stated by his noble Friend for not acceding to the proposition made by the hon. Member for Mary-la-bonne, to fix the last day of September instead of the last day of August. The adoption of that Amendment conjointly with the insertion of the words he proposed, would require a residence of only three years and two or three days from persons entering a house at the period at which tenancies usually commenced. If his noble Friend would not adopt the Amendment of the hon. Member for Mary-la-bonne, and if the feeling of the Committee were against his (Lord Stanley's) Motion, he would not give them the trouble of dividing.

Mr. *Mark Philips* thought it hard that persons should require to be inhabitants of a town for three whole years before they acquired the rights of citizens.

The *Attorney-General* said, that the arguments brought by the noble Lord (Stanley) against the period stated in the Clause would apply to any other period that might be fixed; because even if the amendment of the hon. Member for Mary-la-bonne were adopted, a person taking possession at the term immediately following the month of September would necessarily be three years and nine months in possession before he became entitled to the franchise.

Mr. *Aglionby* would oppose the Clause as it now stood, because he thought three years and seven months a great deal too long a period for a man to be deprived of his vote.

Mr. *Ward* said, that he had thought the meaning of the Clause was intended to be, that three years was the *maximum* period during which a man should be deprived of his franchise; but finding that not to be the case, and having heard the arguments in favour of the proposition of the hon. Member for Exeter, he felt inclined to support that Gentleman's Amendment.

Mr. *Hume* thought two years' residence quite sufficient. He hoped that there would be no occasion for difference upon this point, but that the noble Lord would consent to take a medium period of two years.

Lord *Stanley* said, he was unwilling to give the House the trouble of dividing if it were considered unnecessary to do so. He should, therefore, like to know what the noble Lord's intentions were before he came to a determination how he should dispose of his Amendment. He should like to be informed whether it was the determination of the noble Lord to resist any further diminution of the term.

Lord *John Russell* said, he had heard no reasons why he should depart from the course which he had laid down for himself. He should therefore resist any diminution of the term as laid down in the Bill.

Lord *Stanley*, that being the case, would not give the House the trouble to divide.

The noble Lord's Amendment was withdrawn.

Mr. *Divett* then moved that the words "during that year and the two preceding years" be omitted, for the purpose of inserting the words "for the space of twelve months preceding."

Mr. *Hutt* supported the Amendment. He saw no reasons why persons qualified to vote for Members of Parliament should not be entitled to vote in boroughs. He sincerely hoped that the hon. Member for Exeter would persevere in his Motion.

Viscount *Howick* hoped the House would indulge him for one moment, while he endeavoured to bring them back to what he considered the real Question before them. It had been said by several Gentlemen that the effect of this Clause would be to disfranchise considerable numbers of persons. Now, he conceived that in this there was a considerable mistake. It could hardly be said that they disfranchised those persons, when the real fact was, that they did not propose to extend the franchise to them. The only question before the House was, whether they were to extend the enfranchisement to a greater or less number. In his opinion, there ought to be such a length of residence to entitle a man to a vote as to show that he was a permanent resident, and had a permanent interest in the welfare of the borough. It ought likewise to be in the recollection of the House that, by the old system, birth, or a servitude of seven years entitled a person to the freedom of a borough. That system was to be done away because it in fact gave those a power over the town who did not live in it. The hon. Member's Amendment would to a degree revive some thing of that kind, for it would enable those who had only temporary interests in a town to impose permanent burdens upon the inhabitants, was that proper? His impression was that the Clause ought to remain as it stood.

Mr. *Ewart* said, though the noble Lord had spoken correctly of the modern system practised in boroughs, he had not alluded to the original Saxon system, which was quite different. He contended that ancient authority and modern experience were in favour of the expediency of the hon. Member's Amendment

Mr. *Pease* could see no reason why greater security should be taken from the people of England than from those of

Scotland, from whom such long residence was not required as was proposed by this Clause. He would, therefore, support the amendment.

The House divided, on the amendment. Ayes 97; Noes 321; Majority 224.

List of the Ayes

Aglionby, H. A.
Attwood, T.
Brady, D. C.
Blake, M. J.
Bodkin, J. J.
Biddulph, R.
Butler, Colonel
Bowring, J.
Burdon, W.
Buller, C.
Brotherton, J.
Beauclerc, Major
Buckingham, J.
Baines, E.
Brabazon, Sir W.
Baldwin, Dr.
Bridgeman, H.
Blackburn, J.
Clay, W.
Callaghan, D.
Cave, Otway
Carter, B.
Crawford, W.
Chichester, J. P. B.
Crawley, S.
Duncombe, T.
Dundas, J. C.
Dennistoun, A.
Elphinstone, H.
Etwall, R.
Ewart, W.
Evans, G.
Fielden, J.
Finn, W. F.
Fitzsimon, C.
Grote, G.
Gisborne, T.
Gillon, W. D
Gully, J.
Hume, J.
Hawes, B.
Hindley, C.
Holland, E.
Hector, C. J.
Hutt, W.
Jervis, J.
Kemp, T. R.
Lee J. Lee
Leader, J. T.
Lister, E. C.
M'Leod, R.
Marshall, W.
Mairland, H.
Molesworth, Sir W.
Nagle, Sir R.
O'Brien, C.
O'Dwyer, A. C.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Brien, W. J.
Pease, J.
Potter, R.
Pattison, J.
Palmer, General
Parrott, J.
Philips, M.
Pryme, G.
Power, P.
Roebuck, J. A.
Ronayne, D.
Rippon, C.
Ruthven, E. S.
Ruthven, E.
Roche, W.
Roche, D.
Rundle, J.
Scholefield, J.
Seale, Colonel
Sheil, R.
Speirs, A. G.
Tulk, C. A.
Tancred, H. G.
Tooke, W.
Trelawney, Sir W.
Thornely, T.
Villiers, C. P.
Ward, H. G.
Williams, W.
Warburton, H.
Williams, W. A.
Wakley, T.
Wilks, J.
Wason, R.
Westenra
Wallace, W.
Wemyss, Captain

TELLER.
Divett, E.

Mr. *Brotherton* moved the adjournment of the House.

Sir *Robert Peel* said, if the debate were to be adjourned at so early an hour as this (half-past twelve) every night, the session would be interminable. This Bill, in fact, involved the consideration of 150 Acts of Parliament, and there were many very serious objections made to it. If, therefore, Members were not prepared to discuss the subject fairly and fully, he had no hesitation in saying, that they would be neither doing justice to the parties whose interests were at stake, nor to the character of the House.

Mr. *Brotherton* said, that he had been urged by several hon. Members to move the adjournment, but had no objection to withdraw his Motion if that were the wish of the House.

Mr. *Jervis* proposed an Amendment to the clause to the effect (as we understood) that persons who were carrying on business in a place should be entitled to vote, even if they did not live within seven miles of the town. He thought it a hard case that persons having a large stake in a place should, in such circumstances, be deprived of the franchise.

Lord *John Russell* said, that if the Amendment of the hon. and learned Member was adopted, any person, whether he remained in the borough or not—a lodger or servant who chose to be rated—might claim the right of voting. He was satisfied the Clause went far enough.

Mr. *Pease* remarked, that many persons who resided within seven miles of a town, who had manufactories or warehouses in it, would be deprived of their votes if the Amendment were not agreed to.

Mr. *Hesketh Fleetwood* supported the Amendment of the hon. Member for Chester, as he was aware that confining the franchise to residents would disfranchise many most respectable persons who, though not resident householders, still possessed extensive premises in towns, and paid considerable sums in the way of local taxation. This he knew to be particularly the case in Preston.

Mr. *Aglionby* thought the noble Lord had not sufficiently adverted to the main feature of the proposition made by the hon. Member for Chester. In large towns, where there were several persons in one firm, it was usual for the senior partner to retire from the business, leaving his eldest son in his stead, but still having his name in the firm, and the rates being paid in his name. The son continued to reside in his father's house as part of his family, till he married and formed a separate establishment, yet this highly respectable class of persons would be disfranchised by the Clause as it now stood. This was a state of things of very common and general occurrence. At Manchester, where he had been a great deal, there would be a very large number of persons shut out from the benefits of this important Bill, if the noble Lord persisted in his Resolution not to alter the Clause. He did not support this Amendment in a spirit hostile to the measure. The country owed a great deal to the Government for having introduced the Bill, and for the last 100 years, a more important boon had never been conferred by any Government, the Reform Bill excepted.

The *Attorney-General* said, that although many persons of great respectability would not enjoy the elective franchise under this Bill, that was a circumstance which could not be guarded against without opening the door to very serious evils. A lodger, though he might have resided in the town for twenty years, with 10,000*l.* in the funds, would never have the franchise, because, if he were admitted, persons of the same class could not be kept out. They must look to the consequences that would follow the alteration of this Clause. All servants, all mechanics, all journeymen, would have a right to the elective franchise. Other mischiefs, too, might follow. The mayor of the town might have a large number of workmen, and he might be inclined to let a house to them, even if they were fifty; they would pay the rates, and thus all these persons might be put upon the burgess roll. He thought, therefore, that the purity and respectability of the constituency would be much injured by this Amendment, and he should consequently oppose it.

Mr. *Mark Philips* said that, notwithstanding the objection made by the learned Attorney-General, he should support the Amendment, for he knew many instances where persons would be disfranchised if the clause was left unaltered. He was himself one of those individuals, and he should certainly feel considerably aggrieved by being kept out of political existence. This would be very generally the case in many large manufacturing towns, and particularly in the City of London. Persons living out of town but paying rates in respect of property of many thousands-a-year would have no voice in the management of the revenues to which they so largely contributed.

Mr. *Roebuck* was understood to say, that it was not the poor, but the rich, who would be injured by this Clause. Probably it would make the rich reside more where their place of business was, and he should support the Clause.

Mr. *Tooke* remarked, that nothing was so dangerous to argument as a reference to individual cases, and, much as he regretted the disfranchisement of his hon. Friend, the Member for Manchester, he thought it safer to abide by the clause as it stood.

Mr. *Hesketh Fleetwood* contended, that although the old borough qualification might be a good principle to lay down, still it would be better to improve that principle, and this he conceived would be effected by the Amendment of the hon. Member for Chester. The confining the electoral franchise to householders would disfranchise many persons of high respectability at Preston, who, though not resident householders, were rateable as proprietors of valuable premises there. He thought, therefore, that it was not fair towards such persons to exclude them from the franchise because they had not a house within the borough.

Mr. *Warburton* said, that if these words were taken out of the Bill, and the right of voting should be extended to those who were resident within a certain distance, the objection which the right hon. Member for Tamworth had made as to surrounding occupiers struck him as being a very forcible one. If this alteration was adopted, a wharf, for instance, might have an unlimited number of joint occupiers, and a borough would be swamped with the greatest ease. He thought, therefore, that the right to vote should only be extended to householders.

Mr. *Cutlar Fergusson* contended, that the House must legislate upon general principles, and not be guided by cases of exception. He thought that a very small number of persons who had business in town resided in the country. The great misfortune in the Reform Bill was, that the Government gave way too much. He hoped that the present Government would not fall into this error, but would resist all Amendments which were not conformable to the general spirit of the Bill.

Mr. *Poulett Thomson* argued that if householders lived within seven miles of the borough they would have a right to vote. He believed the cases to which his hon. colleague had referred were but few in number, and that the argument of the

Member for Bridport was a very strong one. If they agreed to the Amendment there would be great danger from fraud, and the disadvantages which would result from its adoption would more than counterbalance any good that could be produced by it.

Mr. *Pryme* wished to be informed whether a joint occupier would be in the meaning of the Act an inhabitant householder. [*Lord John Russell was understood to answer " Yes."*]

Sir *Robert Peel* observed, that it was very difficult to lay down any arrangement that would not include some cases of hardship. The question was, what general principle was the best to adopt, and he concurred with the noble Lord in thinking that inhabitancy was the best qualification for the franchise. The danger from evasion and abuse would be greatly increased, if the hon. Member's Amendment were assented to, and it would be difficult to conceive any means of averting the danger of being overpowered with which a constituency would be threatened. Entertaining these opinions, he should vote against the Amendment.

Mr. *Jervis* consented to withdraw his Amendment.

Lord *Sandon* inquired from what point the seven miles mentioned in the Clause were to be measured, and what standard of distance was to be taken.

Lord *John Russell* said, that that was a point which had been much discussed by the Committee on the Registration Bill, and he should therefore prefer reserving his opinion till that Committee had made their Report.

Mr. *Warburton* remarked, that this was a point on which contrary decisions had been given by the revising Barristers. In some instances it was decided that the seven miles should be the distance as the crow flies, while others had determined that the distance should be measured by the nearest way of access. He hoped, therefore, the Legislature would not leave this point unsettled.

The *Attorney-General* remarked, that the scale, certainly ought to be uniform, and he was inclined to take the standard as the crow flies.

Mr. *Goulburn* thought the seven miles should be measured from the extreme boundaries of the Parliamentary borough. In the Reform Bill they were taken from some place within the borough.

Lord *John Russell* intended they should be measured from any part of the borough.

Sir *Robert Peel* asked how it was possible to determine the distance of seven miles as the crow flies, unless there was first pointed out some spot for the crow to fly from.

Lord *John Russell* had said before, that he had rather not discuss this question now, because it was under the consideration of the Registration Committee, and till they had made their Report he would not propose any definite plan.

Sir *Robert Peel* suggested, that the local authorities might perambulate the borough, and fix upon some definite spot from which the distance might be measured.

Mr. *Warburton* said, the distance might be measured from the market-place of the borough.

Mr. *Pryme* objected, that in some boroughs there was no market held, and then where would his hon. Friend find a market-place?

Sir *Robert Peel* had given notice of an Amendment in which he hoped the noble Lord would concur. He wished the payment of borough-rates to be made necessary to the completeness of the qualification.

Lord *John Russell* objected to that proposition, if it was intended to make the Borough-rate payable as well as the Poor-rate before the title to qualification could be made good; but if the right hon. Gentleman meant that in cases where there was no Poor-rate the payment of the Borough-rate should be held as a proof of qualification, the proposition assumed a different aspect. He should certainly object to the other proposition, as it would produce great inequality, because in some boroughs no Borough-rate at all was made.

Sir *Robert Peel* observed, that if the Poor-law Bill reduced the Poor-rates, which he believed the noble Lord expected it would, the payment that would be made for the Poor-rate would be exceedingly small. The noble Lord was going to put all parties who contributed to certain rates on the same footing, and he really thought the Borough-rate ought to be taken in addition to the Poor-rate. Those who paid rates for the relief of the poor, and contributed to Municipal charges, and had paid up all their arrears, ought to be the persons in whom the control of the Municipal expenditure should be vested.

Viscount *Howick* hoped, the right hon. Baronet would accede to the Clause as it stood to-night, and then he might move a separate Clause as an Amendment to-morrow, on which, if he pleased, he might take the sense of the House.

Sir *Robert Peel* said, that his proposition was, that if a Borough-rate should be made by the council after the Act had passed, the payment of that rate should be necessary to complete the qualification.

The *Attorney-General* hoped the right hon. Baronet would not insist upon this alteration. In many boroughs there were sufficient funds for all Municipal purposes without its being necessary to levy a rate. On the other hand, the Poor-rates would form an universal test; they were quite high enough, and he feared they would long continue so.

Mr. *Brotherton* considered that the constituency would be much limited, if payment both to the Poor-rates and Borough-rates were to be required. Under that impression, he should oppose the suggestion of the right hon. Baronet.

Mr. *Warburton* was sure that the effect would be to limit the franchise.

Mr. *Scarlett* said, that nothing could appear more evident to him than the necessity of making the payment apply to both.

Mr. *Baines* considered, that if it were made imperative that the parties should have to pay Borough-rates, the number of persons to whom the franchise was intended to be given would be very much reduced. It would be, in point of fact, making a new taxation to be levied on the poorest class of society, and ought to receive much more consideration than there had been time yet to bestow upon it.

Sir *Robert Peel* said, that by the operation of the new Bill all houses could be exposed to the impost of Borough-rates, and he only spoke of that rate which would be imposed by the Act.

Mr. *Robinson* thought, that a person who contributed to the payment of the Poor-rate, although he might not contribute to the payment of the Borough-rate, would have such an interest in the operation of the Bill as that he ought to have the franchise.

Mr. *Philips* said, that it appeared to him the local acts of the boroughs would remain in force after the passing of this Bill just as before, and that the town council would make no alterations under the provisions of the new Act in opposition to the present regulations of the Commissioners of the Police.

Mr. *Bernal* reminded hon. Members that there was no Amendment at present before the Committee.

Sir *Robert Peel* said, he did not intend at present to move an Amendment which might have the effect of obstructing the full consideration of this most important Clause, but that he should avail himself of some other opportunity of taking the sense of the House upon it.

Lord *John Russell* wished the right hon. Baronet had stated that some time sooner, because he himself had put it to the right hon. Baronet whether it would not be better to adjourn the debate, when the right hon. Baronet objected to an adjournment, saying it would be better not to leave this Clause half discussed. It certainly was an important Clause, and the proposition now before the House respecting it was of considerable importance. For his own part, he thought it would be better that no obstruction should be thrown in the way of passing the Clause at present, and that the right hon. Baronet should have some other opportunity of discussing his proposition, the Committee agreeing that any qualification it might be deemed advisable to adopt should be introduced hereafter.

Mr. *Cutlar Fergusson* did not think the House would be more able to decide upon this Clause to-morrow than it was at that moment, therefore, he thought the better way would be to proceed with it. [“*Divide, divide.*”]

Sir *Robert Peel* said, that hon. Gentlemen might divide if they pleased, and make the most of themselves they could, but that that should not deprive him of exercising his privilege as a Member of that House, to bring forward whatever proposition he should think right upon this Clause. If the noble Lord would agree that he should have an equally good opportunity of bringing forward his proposition hereafter he should not further object, but he would not be forced to make a Motion he had not maturely considered. He had made no speech on his proposition; he had merely asked a question, and expressed a wish which had given rise to all the different opinions that had been expressed.

Lord *John Russell* had not the least wish to hurry this measure through the Committee, and that if any hon. Member would move that the Chairman should report progress, he should not object to that course.

House resumed — Committee to sit again.

HOUSE OF LORDS,

Tuesday, June 23, 1835.

MINUTES.] Bill. Read a second time:—Indemnity.

Petitions presented. By Lord LYTTLETON, from certain Individuals belonging to the Society of Friends, against the excessive use of Spirits, and against allowing Beer to be drunk on the Premises of Beer-shops.—By the Earl of ABOYNE, from the Handloom Weavers of Douglass, for a Board of Trade.—By the Earl of ABOYNE and Viscount MELVILLE, from three Places, in favour of, and by Lord BROUGHAM, from Falkirk, against the Proposed Grant for Building Churches in Scotland.

HOUSE OF COMMONS,

Tuesday, June 23, 1835.

MINUTES.] Bill. Read a third time. On the Motion of Mr. BERNAL:—Western Australia.

Petitions presented. By Mr. G. F. YOUNG, from the Shipowners of Tynemouth, against any Alteration in the Timber Duties.—By Mr. SHARMAN CRAWFORD, from Belfast, for Relieving Catholics from the Oath taken at Elections.—By Mr. MAHER, from a Number of Places, against Tithes in Ireland.

LAMBETH ELECTION.] Mr. *Hawes* rose to present a Petition of which he had given notice, from Mr. John Thomas Loader, complaining of undue interference at the last election for Lambeth. The petitioner stated, that prior to that election, he was in the employ of Mr. John Newman, surveyor of the Bridge House Estates of the City of London, who applied to him to vote for Alderman Farebrother. Mr. Newman left his card for the petitioner; and, on one of the days of polling, a coach came for him, and he went in and voted for Mr. Alderman Farebrother. The petitioner did so, in consideration of his wife and three young children; and on the day after he had polled, he was dismissed from his situation by Mr. Newman, and had endured much poverty and inconvenience in consequence. Separate notices had been given by him to the hon. Members for the City of London that he should present this petition, and no doubt some endeavours would be made to explain the circumstances; but he considered it quite unbecoming the Corporation to support a servant who would so conduct himself. He had taken pains to inquire into the facts of the case, and into the character of the petitioner. He believed the first, and considered the last as deserving full confidence in his veracity. The hon. Member moved that the petition be referred to the Intimidation Committee.

Mr. *Alderman Wood* thought, when he first saw the petition, that from the language of it, the statements could not be established. He was quite sure he should not be suspected of encouraging intimidation at elections; but he had sent for Mr. Newman a day or two after he had heard of the accusation, and as Mr. Loader had petitioned the Corporation, he (Alderman Wood) was in possession of the whole truth of the case. It appeared that Mr. Loader had been in the service of Mr. Newman for eighteen years, having been taken by him an apprentice for seven years from Christ's Hospital; some time before the election he had received notice to quit Mr. Newman's service. Mr. Newman had employed him as a writer to make out the accounts of the Bridge House Estates, and he had not been in the service of the Corporation. Mr. Newman was surveyor of the Borough, and brother of the City Solicitor. Before the election, Mr. Newman told Mr. Loader, that, having an opportunity of doing so, he would put him into a house where he might reside, but, that in consequence, he should give him 50*l.* a-year, instead of 60*l.* Mr. Loader refused the terms; but this was in December, and the election did not take place until January. He was sure that Mr. Newman's word might be taken before that of Mr. Loader; and what made it more unlikely that the election had anything to do with the dismissal of the latter, was the fact that he voted for Mr. Alderman Farebrother, for whom Mr. Newman was interested. When in the counting-house, Mr. Newman asked Mr. Loader if he would not vote for Mr. Alderman Farebrother, who was a "brother Blue,"—meaning that they had both been educated at the Blue Coat School. He afterwards sent his card to Mr. Loader; and on one of the days of polling, some gentlemen who were going into the neighbourhood, called for Mr. Loader, and took him to the hustings. This was the whole of the intimidation. On the Saturday after the election, Mr. Loader called upon

Mr. Newman, told him that he had voted for Mr. Alderman Farebrother, and received the thanks of his employer. The mode in which Mr. Loader was dismissed, received the approbation of Mr. Newman's brother, the City Solicitor, and from that time to the present, Mr. Loader has not been seen by either of them. If the petition were referred to the Committee he was confident that nothing like intimidation would be established; and it certainly was not very creditable in a man, after eighteen years' service, thus to bring the conduct of his employer under public discussion. Mr. Newman assured him (Mr. Alderman Wood) that he had been a school-fellow of the hon. Member who presented this petition, and that, at the first election, he supported him warmly.

Mr. *Hawes* said, the House would bear in mind, that the hon. Alderman had begun by denying the truth of the petition, and had gone on to admit all the principal facts it contained. It was not disputed that Mr. Newman solicited Mr. Loader's vote; that he sent to him during the election; that he was carried to the hustings in a coach; and which was most remarkable, that he was dismissed from his situation the very day after the election. He would give no opinion upon the comparative credit due to Mr. Newman or Mr. Loader, farther than to mention that he had several times seen the latter, and having sifted the whole case, was satisfied that it was true. He was sure that, after an examination by the Committee, the conduct of Mr. Newman would not stand in quite so favourable a light as the hon. Alderman seemed to imagine.

DUTY ON COFFEE.] Mr. *Patrick M. Stewart*, rose to ask a question of the right hon. Chancellor of the Exchequer, on a subject of very great importance. In consequence of what had fallen from the right hon. Gentleman, on a former night, relative to equalizing the duty on Coffee, the greatest panic had seized the market, and he (Mr. P. M. Stewart) was, therefore, anxious to know—First, When it was proposed that the new scale of duties should come into operation? Second,—Whether it was intended that the stock of coffee on hand should be allowed to pay the reduced duty? Third,—In what manner he proposed to guard the British Colonists in the East and West, from the introduction of foreign East-Indian Coffee, imported as East-Indian Coffee of our own plantations?

The *Chancellor of the Exchequer* said, that though he could not answer the hon. Member's questions in the exact order in which he had put them, he was quite ready to give him the information he required. When he had said, that he intended to propose an equalization of the duty on Coffee, he had added that he should, at the same time, take care that the relief did not extend beyond Coffee the growth of our own territories; and that the Coffee produced, for instance, in the Dutch East Indies, and other parts of Asia, should not have the same advantage as Coffee grown in the English possessions. He must apologize for doing more than answer the questions put, but something more was necessary. In order to give effect to the distinction, it would be required that the Coffee, claiming the exemption, should be accompanied by evidence to show that it was the growth and produce of one of our colonies; that was to say, that a certificate of origin should be sent with the Coffee, in order to entitle it to exemption. It was quite clear that the equalization of duty ought to apply to Coffee only which was imported with that evidence; and consequently, the East-India Coffee now in bond in this country, being unaccompanied by any such certificate of origin, would not be entitled to the exemption. As to the third question, relating to the mode and manner, they would be made known when the Bill was introduced. It would be his desire, in proposing an equalization of duty, to take care to prevent any abuse of the privilege which he hoped the House would concur with him in conferring.

CORPORATION REFORM — COMMITTEE.] The House went into a Committee on the Municipal Corporations' Bill.

Sir *Robert Peel* wished to put a question to the noble Lord upon the operation of Clause six as it had been altered. The effect of that alteration was, as he understood it, that the overseers, in making out the list of those who should be entitled to vote, should only insert the names of those who should have paid their rates at the time of the overseers making out such list. Now, he thought this was very fair, because it was in exact conformity with the Reform Bill, and because it would simplify the registration, and put a check upon the confusion and abuse that might otherwise arise. He believed that the alteration made by the noble Lord superseded the necessity of the amendment which he had himself intended to propose with a view to the same object. He thought it was a great improvement in the Bill, as it would tend greatly to simplify the process of registration, and he wished, therefore, to ask whether he was right in understanding this to be the operation of the Clause?

Lord *J. Russell* concurred in the interpretation put upon the Clause by the right hon. Gentleman. A day was now fixed by which the inhabitants must have paid their rates, or they would not be inserted on the burgess roll.

Sir *Robert Peel* suggested that the time for payment of the rates should be fixed a few days previously to the last day of August. In the Amendment which he had intended to propose, he meant to have proposed the 20th of August, but the exact time was not material; but he would put it to the noble Lord, whether four or five days at least, previously to the day to which the overseer was bound to make up the list, should not be allotted to the overseer for the performance of this duty. It was a matter of no importance to him, but if some time were not allowed him, a host of people would be pouring in to pay their rates on the last day allowed by the act, and he ought to have a few days to prepare the list.

Lord *J. Russell* would take the suggestion of the right hon. Baronet into consideration.

Sir *Robert Peel* remarked, that there was a slight variation between the words respecting the payment of rates in this Clause and the corresponding Clause in the Reform Bill. Here the words were, "shall have been made or become due," but in the Reform Bill the words were "become payable," unless he was mistaken. Now, a particular construction had been put upon these words by the revising Barristers, and he thought that in a matter which was precisely the same the words ought to be the same, particularly as a judicial construction had been put upon them.

Mr. *Brotherton* said, that this construction was very injurious to the electors. In the borough of Salford more than 200 persons, whose rates had been raised and subsequently reduced by the overseers, would be disfranchised this year by that decision.

The question was then put, that Clause six stand part of the Bill.

Sir *Robert Peel* said, that the House would recollect that at the close of the debate last night he had expressed his opinion that there should be another qualification as the test of the right to vote besides that provided by the Bill. The purport of his proposition was, that in all cases where a borough-rate should be made by the council appointed under the Bill, payment of that borough-rate should be required equally with the payment of the poor-rate, and thus the qualification would rest on a sound basis. He had heard no valid objection made to that proposition. It probably would operate in a slight degree in diminishing the number of electors, but the House was about to make an immense experiment, which he sincerely hoped might be successful—a most momentous experiment with respect to the good government of towns; and it was of the highest importance that the greatest circumspection should be employed. He would take the case of the town of Manchester, which was under the control of a body appointed by a local Act. The Commissioners were obliged to possess a very high qualification, and the electing body were subject to a very severe test. No person had a vote unless he was rated at 16*l.*, and no publican but who was rated at 32*l.*, and he believed this Act was passed with the general concurrence of the people of Manchester. They were about to qualify every man who should have paid the poor-rate to vote at the elections. He believed that in Manchester and its townships there were no less than 37,000 assessments this year; to what extent they might be diminished by requiring three years' residence, and three years' payment of rates, he was not prepared to say; but he wished only for that constitutional system to be adopted which should most consult the peace, tranquillity, and satisfaction of the people. He knew it must necessarily be a popular franchise, but the franchise might be much more capable of extension hereafter than diminution. The effect, therefore, of his proposition should be in the first instance, to limit the number of electors, and in that way to try the experiment gradually. In this he was not making a proposition hostile to the spirit of the measure. Apart from that, he could see nothing more sound in principle than that those who imposed the rate should be payers of it. The Bill not only enabled but obliged the council to impose a Borough-rate. In several Corporations which were possessed of property it might not be necessary to exercise that power; but many others were incumbered with debt, and many which were nominally rich, were far from being so. In many of the old, and in all the new Corporations, therefore, a Borough-rate must be imposed; and those who imposed that rate ought certainly, not only to contribute to the payment of it, but to pay up their arrears. Improvident expenditure would be best prevented by making this qualification. The party raising the rate by this means, would have a direct interest in it, and in controlling unnecessary expenditure. There were proposals in the Bill for providing for compensations and salaries, for town clerks, and others; and the most salutary check that could be imposed against making improper compensations would be to compel those who made the compensations to pay a fair share to the fund out of which the salaries and so on were to be raised. That was a qualification which ought to be imposed in addition to the payment of the Poor-rate, and would be better than payment of the Poor-rate only. In extra-parochial places, where there might be no poor, there would have to be a Borough-rate, and those who raised the rate ought to contribute their share in the payment of it. He rested his proposition on this great principle, that by the measure a power of taxation was given; not only that, but an obligation to tax the inhabitants for certain purposes was imposed; that in many of the old and in all the new boroughs there would be no corporate funds; and that the new Borough-rate ought to be levied by those on whom the payment of it would fall in certain proportions as being the best test of qualification that could be obtained. It was urged as an objection to this, that it was taking a double qualification; that first it was taking the Poor-rate, and next a contribution to the Borough-rate. He would retreat again to the principle of the Reform Bill, and there it would be found that three qualifications were required:—first, that the voter should be a 10*l.* householder; that he should have contributed to the Poor-rate; and next, that he should have paid up his Assessed-taxes. By the Reform Bill, therefore, a double pecuniary qualification was required. Contribution to the Borough-rate would be an infinitely better test than the payment of the Assessed-taxes, which was a payment due to the Crown. It had been said, too, that this would bear unequally on different towns. In Manchester, for instance, where there were no corporate funds, there would have to be a Borough-rate, therefore the inhabitants of Manchester would have a heavier burthen imposed upon them than the inhabitants of Liverpool, where there were corporate funds. But it was impossible to go upon such a proposition as that. In one town the Poor-rates were much heavier than they were in others; in one they were 5*s.* in the pound, while in others they were not 8*d.*, yet no alteration could be adopted on account of such variation. Upon the whole, the Bill seemed to him, upon further consideration, to be drawn up in precise conformity with the excellent principle for which he contended last night; therefore there appeared to him to be now no necessity for moving as an Amendment that which he proposed. The Act required that the town council in every borough should impose a Borough-rate. How was that to be done? The Act pointed out the mode. It was to be a Borough-rate in the nature of a County-rate. The County-rate was levied on that description of property which contributed to the Poor-rate, and, in point of fact, formed a part of the Poor-rate. Those who contended that the council would have the dangerous power of making exemptions would find they were entirely wrong, and nothing could have been more dangerous and improper than that certain persons in a town should have had the power, according to their discretion, of superseding in certain cases the distinct enactments of the law. The new Borough-rate, as the Bill now stood, would have to be levied on all descriptions of property which contributed to the County-rate; or, what was the same thing, it formed part of the Poor-rate levied on the same description of property. He was afraid that when the noble Lord came to word the 79th Clause he would find great difficulty in it; but he should not enter into that just now, nor mix up any question arising on the 6th Clause with the 79th; he understood that the 6th Clause, as the Bill now stood, would effect the object he had at present in view; and finding that the Bill had adopted the principle he had contended for, he should not disturb the further consideration of it by proposing any Amendment to this Clause, but should reserve any further discussion upon this part till hereafter. As the Bill now stood, the Borough-rate would be taken out of the Poor-rate, and a party would be bound to contribute to the Borough-rate before he could exercise his privilege of voting.

Lord *John Russell* thought that a discussion of the present views of the right hon. Baronet ought to be reserved till the discussion of the 79th Clause. The Bill provided that if there was a Borough-rate levied by the council in the nature of a County-rate, then the persons who paid the Poor-rate in the borough would pay an additional sum, which sum would not come in the shape of a separate rate, but in the nature of a Poor-rate.

Mr. *Poulett Thomson* said, the right hon. Baronet had stated that it would be a dangerous experiment to increase the constituency in such a town as Manchester, where by a local Act the constituency was restricted to all parties occupying premises rated to the amount of 16*l.* He would, however, remind the right hon. Baronet, that in the year 1831, an Act was passed under which all rate-payers in the borough of Salford, a borough that might be considered a part of the town of Manchester were qualified. Now it was a fact, that the Act to which he alluded gave the greatest satisfaction in Salford, while the Act which applied to Manchester, and which limited the franchise, had caused the greatest dissatisfaction.

Mr. *Brotherton* corroborated the statement of the right hon. Gentleman the Member for Manchester as to the satisfaction which the Act for the regulation of the borough of Salford afforded the inhabitants. The Manchester Act, though the town contained 140,000 inhabitants, gave only 2,400 electors in the first year, and he believed that at the present moment the number did not much exceed 3,000. When the Salford Bill was brought forward, with a view to avoid the heart-burnings which prevailed in Manchester, a provision was inserted giving the right to vote to every rate-payer. He must confess he agreed with the right hon. Baronet as to the propriety of those persons contributing to the rate who imposed it.

Mr. *Baines* thought it would be improper to mix Borough-rates and Poor-rates together, because different townships were under different regulations.

Mr. *Estcourt* said, that a parish might be partly within and partly without a borough, and care ought to be taken that only those premises that were within the borough should be liable to the Borough-rate.

Lord *John Russell* said, the Bill provided for that contingency.

Mr. *Bonham Carter* observed that individuals were disqualified by receiving alms, and the words were so general that he feared they would have a more extensive application than was intended. He thought it would be better to confine the disqualification to such persons as received alms given by the trustees of the town.

Mr. *Jervis* said, the proposition of the hon. Gentleman would give to trustees not belonging to the town the power of influencing elections, which was denied to the trustees who did belong to the town.

Mr. *Hutt* knew cases in which respectable persons, in good circumstances, received small amounts from what might be called charitable funds; some became entitled to these sums because they were freemen. He was of opinion that the right of voting ought to be reserved to such persons.

Mr. *Hogg* suggested that all the words after "parochial relief" should be omitted. He stated, that as the Clause now stood, freemen taking under specific bequests would be disfranchised. That he was sure could not have been the intention of the noble Lord. He said, that in the borough which he had the honour to represent, and he believed in many others, there were charitable bequests vested in the corporation as trustees, where the funds were distributed among freemen exclusively, under the will of a testator. He admitted the expediency of excluding paupers receiving parochial relief, but trusted that the noble Lord would see the propriety of limiting the Clause accordingly, and of not inserting such words as would deprive of their political rights parties taking not as paupers, but as specific legatees.

Sir *Matthew White Ridley* suggested the omission of the words "after parochial relief" which would remove the whole difficulty.

Lord *John Russell* admitted there was a difficulty on the question, but he was of opinion, that the Clause should remain unaltered, at least, till after the Clause relating to the disposition of charities or trusts was passed.

Mr. *Hughes Hughes* said, he was anxious, before this Clause passed the Committee, to ask a question of the hon. and learned Attorney-General. He held in his hand a list of twenty-two charitable bequests for the benefit of freemen of the city he had the honour to represent, many of which were in the nature of loans for the advancement of young freemen in the world; as, for instance, *500l.* left by Edward Prince, to be lent out in sums of *100l.* each to five poor freemen of the Company of Mercers and Grocers of Oxford, for seven years without interest. Now he wished to be informed whether a loan under such a bequest would come under the words of this Clause, "alms, or any pension, or charitable allowance from any fund intrusted to the charitable trustees of such borough," and so disqualify the party enjoying it from being enrolled as a burgess under this Clause during the time he should hold it, and for twelve months afterwards.

The *Attorney-General* conceived not.

The *Solicitor-General* was of the same opinion. He thought that too enlarged a sense was given to the word "alms." If all charities were alms, he questioned whether the Bill would not deprive himself, and several other hon. Members, who, as Fellows of Colleges, were benefited by funds which, in one sense, might be considered eleemosynary. What was intended by the Clause was, that persons should not be allowed to vote who were dependent on charity for their support, being in a state of poverty or pauperism.

Lord *John Russell* repeated that it would be better for hon. Gentlemen to reserve their observations on this subject, till the Committee had gone through the Clauses relating to Charities and Trusts.

Clause 6, as amended, was ordered to stand part of the Bill.

Clause 7 was also agreed to.

On Clause 8 being put,

Lord *John Russell* then proposed to substitute the amended Clause which had been printed, and for some time in the hands of Members, to the effect "That burgesses who have been enrolled, but are afterwards omitted from the roll, may be restored during two years, if then inhabitant householders and occupiers as aforesaid."

Lord *Stanley* said, that, according to the proposed Clause, any person might be struck off the burgess-roll for non-payment of rates, and he might then, provided that next year he occupied a house—whether he had ceased to occupy it in the mean time or not—simply by the payment of the rates for alternate years, be admitted as a burgess, just in the same manner as if he had paid the rates for the three years. If his noble Friend meant to say, that the person who, from accidental circumstances, was omitted from the burgess-roll, or because he had for a short time left the borough and returned again, and who should pay the whole amount of rates due in the interval of the three years, and then continue to occupy, that his intermediate absence should not be taken into account, to disqualify him from being admitted, he (Lord Stanley), for one, should not say one word in opposition. But if he meant to say, that the person who, in the year 1833, had not paid the rates necessary to qualify him to vote in 1835, should, if he paid in 1834 not the rates of 1833 and 1834, but the rates of 1834 alone, be entitled to vote in 1835, he (Lord Stanley) did think that such an arrangement would do away with the whole object of the portion of the Bill in question, which was that of producing a continuous rate-paying. He had no object beyond taking care that the rights and privileges conferred by the Bill were given to the permanent occupiers and rate-payers of the boroughs. While he was speaking, he would mention one case which he thought deserving of attention, in the way of extending the right of freedom. He would suggest that where a person should succeed to property in a borough, by will or inheritance, the person to whom he succeeded having paid the rates for the three years, a provision might be made, under which the person so succeeding should be placed in the situation of the person whom he had succeeded, and enjoy the benefit of the continuous rate-paying. He wished, however, to have a distinct explanation from his noble Friend on the subject of the first point to which he had alluded. If the intention of the clause were that a person paying the rates in alternate years, and refusing, from fraud or other causes, to pay at all, should be entitled to be put in the burgess-roll, he (Lord Stanley) should regard it as most objectionable, and should wish to have the sense of the House in some measure taken upon the matter.

Lord *John Russell* was not of opinion that the difficulty contemplated by his noble Friend would arise under the Clause, or that any case of fraud was likely to occur. In the case of non-payment of rates, he did not think that it was possible to frame any Clause which should provide for the refusal to pay, or for absence caused by a fraudulent disposition, or some other circumstance. It was necessary to frame the Clause with regard to the general probability of the case. If a man did not pay his rates, it was to be supposed generally that he was absent at the time; that he had been called away to go to sea, or to visit some distant part of the country in consequence of commercial business, and that because of attending to that business he had omitted to do that which he had done constantly for perhaps five, six, or ten years before, viz. pay the rates necessary to qualify him to become a burgess. In that case, which ought to be looked on as the general one, a hardship would arise, if it were not permitted to the individual, under such circumstances, to be again admitted, without passing through the whole three years. His noble Friend said, " Let him pay the rates during the whole intermediate time of his absence;" but he (Lord John Russell) did not think it necessary to require that. Having been previously for three years an inhabitant of the borough, and having paid his rates for that period, he ought to be allowed to obtain re-admission by simply continuing again to pay from the time that he returned to the borough.

Lord *Stanley* said, that his noble Friend did not appear to see the whole force of his objection. The Clause, as it originally stood, was very imperative. It said, " that if any person who shall have been enrolled a burgess of any body corporate within any borough, according to the provisions of this Act, shall at any time thereafter cease to occupy any house, warehouse, counting-house, or shop within the borough" —that referred to the case of absence— " or," continued the Clause, " neglect or refuse to pay such rates as aforesaid due from him at the time of the revision of the burgess-roll, except as hereinbefore is excepted, his name shall at the next revision of the burgess-roll be struck out from the said burgess-roll, and he shall thereupon cease to be a burgess and member of the said body corporate." Then came the proviso, stating that under certain circumstances he should be restored. Those two causes of omission mentioned in the original Clause—absence and refusal to pay—had been sedulously left out in the Clause as amended, which simply said, " If any person, &c. shall at any time hereafter be omitted from the said burgess-roll." He did not contend against the case of an occasional absence and return, supposing always that it was of a *bona fide* nature; but he did contend against the case of a man who ceased to pay rates and continued his occupancy, who never left the borough, but every alternate year neglected or refused to pay his rates.

Viscount *Howick* thought that he could show his noble Friend that the Bill as it stood guarded against the inconvenience which he apprehended. The objection was, he understood, taken to the admission of a man who one year refused or neglected to pay his rates, but who the next year should pay them without paying the arrear of the intermediate period. The Clause said, that " he shall be entitled to claim as hereinafter provided, and, upon such claim, again to be enrolled a burgess and member of the said body corporate, provided that on the last-mentioned last day of August, he shall be otherwise qualified as herein provided, except in respect of the length of his continuous inhabitancy and occupation as aforesaid." In the sixth Clause one of these qualifications, the possession of which was stated in the eighth as necessary to re-admission, was declared to be the payment of all rates. It was there distinctly stated, that " no person shall be enrolled in any year unless he shall have been rated in respect of such premises so occupied by him, &c. or unless he shall have paid, during the time of his occupation as aforesaid, all such rates due from him in respect of the said premises, except such as shall have been made or become due within six calendar months next before the said last day of August." It was, therefore, quite clear that no person would be entitled to vote until he had paid all rates due from him.

Lord *Stanley* was satisfied by the explanation of his noble Friend as to what were the opinions of the Government; but knowing that the Clause had excited doubts in the minds of many, he thought it worth while considering whether words might not be introduced for the purpose of rendering it more clear.

The *Attorney-General* said, that the object of the Clause was merely to meet the *bona fide* case of a person ceasing to occupy for a time, though he might have been for a considerable period previous an occupier and a rate-payer.

Lord *Stanley* would ask his hon. and learned Friend, then, whether he would have any objection to limit the means of re-admission to that case, by inserting words such as would bring the Clause into some such shape as the following:—"That if any person who shall have been enrolled a burgess of any body corporate within any borough, according to the provisions of this Act, shall, at any time thereafter, by reason of the interruption of such occupancy, be omitted," &c.

The *Attorney-General* said, that if he could have a little conversation with his noble Friend, he should either convince him that the alteration was unnecessary, or agree to have it introduced.

Sir *Samuel Whalley* trusted that the noble Lord (Lord John Russell) would not agree to any amendment of the kind.

Mr. *Jervis* said, that the effect of altering the Clause would be to deprive any person who, from some technical informality, had been omitted from the burgess-roll, of the means of re-admission, except by passing again through three years, although he had been still a continuous occupier and rate-payer.

Mr. *Brotherton* thought it desirable to allow some means of re-admission.

Sir *William Follett* said, that the addition of a few words stating the necessity of paying up arrears of rates, would much improve the Clause. The noble Lord, (Lord Stanley) had made a suggestion in reference to persons coming into the occupancy of premises through the acquisition of property by will or inheritance—

The *Attorney-General* interrupted the hon. and learned Gentleman by saying, that that suggestion would be adopted.

Mr. *Grote* called attention to the case of the interruption occurring during the first three years—the period in which it was most likely to take place. That did not seem to be provided for by the Clause.

Mr. *Scarlett* said, that as there was still some doubt about the point which had just been discussed, perhaps the noble Lord would consent to insert the words which had been proposed.

The Amendment of Lord Stanley was moved, *pro formâ*,

Lord *John Russell* remarking, that the Clause would in all probability receive alteration in one or two particulars, and promising that words of the same meaning (because the words of the noble Lord (Lord Stanley) were not perhaps the best that might be used) as those proposed, would be used in the framing of the Clause before it was submitted for the final decision of the House.

The Clause, as amended, was agreed to.

On the Question that Clause 9th stand part of the Bill being put,

Mr. *Arthur Trevor* rose to call the attention of the House to the whole Clause. He did not hesitate to say, that a more unjust Clause had never been inserted in any measure of legislation. At one fell swoop, a sentence of condemnation, the most unjust and most unfounded that it was well possible to conceive, was passed against an unoffending body of men. He would ask upon what grounds of common sense, or upon what principle of justice, were a body of men such as the freemen of England, to be excluded from those rights which they had enjoyed from time immemorial? They had yet to learn that they had ever disgraced their freedom. He was well aware that it was much the fashion among Gentlemen on the other side to point at the freemen as a very "corrupt" body of men. "Oh!" exclaimed the hon. and learned Member for Dublin, "the freemen! what a set they are." But, though, if he were asked the question whether there were to be found, among an extensive body, such as the freemen, some who were open to bribery and corruption, he should, of course, not attempt to deny that such was the case; he would ask, however, were those corrupt practices, and was that bribery, confined to that body? Was there not, in the lanes and alleys of London, and other places there to be found, as much bribery, intimidation, and corruption, as in any corporation? He certainly, in the name of common sense, and common justice, protested against the insertion of such a Clause as that now under consideration. He should not feel that he was doing his duty towards a very numerous body of men whom he had the honour of representing in that House, if he did not do his utmost to defeat that Clause. He knew that amendments were to be moved by persons more able to do justice to the subject than the humble individual who was addressing the Committee, but he should not do his justice to a body who had over and over again given him their independent, and honest, and ungratified support, if he did not stand by them, and do his utmost to oppose a Clause which he did not hesitate to denounce as most iniquitous. But, if the freemen were really guilty, (as the hon. Member for Newcastle observed last night) why was not a Bill brought in for their disfranchisement? Why were they not brought to the bar of the House, and sentenced? But no! they were to be taken as it were by a side-wind, and without a hearing, pronounced guilty. He confessed he was somewhat astonished to hear the Ministers, who professed themselves the friends of popular rights, and the advocates of an equal distribution of political power, propose the Clause. It would be in the recollection of many hon. Members, that in the discussion on the first introduction of the Reform Bill, the case of the freemen was particularly pointed out, as incurring disapprobation from the manner in which they used their franchise, and the noble Lord, the Home Secretary, had told them, that in the second Bill, the justice which was done them, though denied them in the first, was done simply because there would have been greater difficulties in the way of the Bill without it. But now, the noble Lord, having obtained, by means of allowing those freemen to retain their rights, the passing of that Bill granted them the retention of their privileges, and by that means attained his ends. Now the noble Lord, by what was nothing else than a side blow, sought to deprive them of those rights to which they had been so long entitled. If that were common sense—if that were justice —if that were indicative of the feelings of the Government, and of hon. Members of the other side, who professed to be anxious to uphold the rights of all classes of his Majesty's subjects — then, indeed, he would say, that justice was nothing more than an empty name. He repeated his wish, that the advocacy of that class of men had fallen into abler hands; and should his Motion be negatived, he would support any other Motions which might be brought forward, having a similar object in view. But he should feel it his duty, if he stood alone in it, to take the sense of the Committee upon it. He never could, for a moment, think of standing up before such a body of men, if, when they were in difficulty and distress, and most unjustifiably persecuted, he had deserted them. Again, he protested against the introduction of that Clause in the Bill in the strongest terms, and he could venture unhesitatingly to assert, that it would gain for its supporters anything but the popularity and applause of the people. He would move "That Clause nine be omitted in this Bill."

Mr. *John Fielden* considered the interests of his constituents so much interested in the Clause, that he must do his duty to them, by offering some observations on the injustice of the Clause. It would be in the recollection of hon. Gentlemen, that when the Reform Bill was first introduced to discussion, a Motion was brought forward which had for its object the perpetuation of the rights of the freemen. The Motion was opposed by the Government of the day, but he was happy to say that they agreed ultimately to retain the burgesses, and recognize their claims; for, shortly after, they brought in the second Reform Bill, in which a Clause was introduced, which had for its object the preservation of the rights of the freemen. It appeared to him, that the Clause before them went to destroy the rights which were secured to them by the Reform Bill, and the tenth Clause destroyed the rights of property. He would not detain the Committee by attempting to renew the argument advanced in favour of the freemen, but he wished to call their attention to a particular case, of those who, subsequent to the passing of the Bill, had entered into servitude, and became freed, having paid a consideration, in order that they might enjoy the privileges which were secured to them by the Reform Bill. There were many privileges pertaining to them in different places:—he would mention one where they had partaken of great tracts of land of 205 acres, granted to the poor freemen: that was a most important right.

Mr. *Praed* rose to order. He begged that the Chairman would state what question was before the House.

The *Chairman* said, the question was that the Clause be omitted. The object proposed by the hon. Member would, however, be much better answered by waiting until the Amendments proposed regarding it should be disposed of, and he might simply move that it be negatived.

Sir *William Follett* observed, that in rising to move an Amendment of the Clause then submitted to the House, he wished to be understood as offering no opposition to the general principles involved in the Bill, and as desiring no alterations which could impair its efficacy, nor would he in that Committee resist the adoption of any of the details of the measure which would have the effect of improving our corporations, or adapting and moulding them to the altered circumstances of the times. He would offer no opposition to any detail of the Bill, which if agreed to, would have the effect of furthering or securing the object which the Bill in its preamble professed, namely, " To render corporations better and more efficient instruments of local government." The House, however, was now called on to consider a Clause which had no reference whatever to the principles involved in the Bill. It was a Clause which had no relation to the improvement of the municipal government of corporate towns —one of the details of the measure which had not the slightest connexion with the principles, the establishment of which the Bill was said to have in view. The Clause professed to have two objects to accomplish; and he was not quite sure whether it did not include a third, which was not quite so apparent. He apprehended that it was the intention of those who brought forward this measure, that the ninth Clause as it at present stood, should have the effect of destroying the legal rights of freemen, particularly as regarded apprentices, and abolishing their privilege of voting for Members of Parliament. He supposed that another effect of it would be to extinguish the inchoate rights of freemen—the rights of property, and the various privileges to which they were entitled; and he was not quite satisfied whether the Clause would not have the further effect of preventing all existing freemen from voting for Members of Parliament. Now, if he were wrong in attributing the last effect to this provision of the Bill, he hoped that even though his amendment were lost, the noble Lord would take care and secure beyond doubt the right of existing freemen to have a share in the choice of Members of that House. [Lord *John Russell*: They are secured by the next Clause.] He referred to the right of freemen to vote for Members of Parliament, and the next Clause related exclusively to rights of property. He was anxious that the most valuable privilege which the freemen possessed—namely, that of a right to choose representatives in that House, should be preserved, at all events, for the benefit of existing freemen. It might not be the intention of his Majesty's Government that the rights of existing freemen to vote for Members of Parliament should be interfered with; but as the Bill then stood, a certain mode was prescribed, by which the burgesses under the new corporate body should be enrolled. Now, the freemen being admitted to vote for Members of Parliament because they were members of the corporate body of the town to which they belonged, it became a question whether the right to which he had alluded was reserved when the constitution of those bodies was changed, and the freemen as originally appointed were, in fact, no longer members of them. He did not wish to impute to his Majesty's Government any such intention as that which he had supposed; but he trusted that the noble Lord or his hon. and learned Friend, the Attorney-General would, as soon as possible, clear up all doubts on the point. [The *Attorney-General:* The rights of existing freemen are preserved by the Bill.] If that were so, he was satisfied. He was satisfied with his hon. and learned Friend's assertion, that such was the intention of the Bill, for he was sure it would be so construed. He should now call the attention of the House to the admitted objects of the Clause. It was acknowledged, in the first place, that persons now in existence having an inchoate right to take out their freedom, were to be deprived by this Clause of that right, as well as of the rights of property and the privileges to which, as freemen, they were entitled. It was farther admitted that the effect of the Clause would be, that every freeman having now an inchoate right, so far as regarded the privilege of voting for Members of Parliament, would be deprived of that privilege by being prevented from becoming freemen of the town to which they belonged. It was certainly true that these two descriptions of right were different; but he did not agree that they stood on different grounds. They ought, perhaps, to be discussed separately, He should, however, with the permission of the Committee, call their attention to the infringement of the rights of property effected by this Clause. But whilst upon this part of the subject, he begged to remind the House of a question which was put by his hon. Friend, the Member for Oxford, last night, to the noble Lord opposite (Lord J. Russell), as to the intention of the Government with respect to the property held by corporations for specific purposes. The noble Lord at first answered that it was not the intention of Government to interfere with this species of property, but to place it in the hands of the new corporate bodies or trustees, to be applied to the purposes for which it was held by the existing corporations. The noble Lord, however, afterwards, in an answer to a question put by his right hon. Friend, the Member for Tamworth, qualified his first answer, and stated, if he understood the noble Lord correctly, that property which had been left for specific purposes, should be devoted to objects connected with charitable uses. If he was right in taking the last as the deliberate and decisive opinion of the noble Lord, and one in which he presumed his hon. and learned Friend, the Attorney-General acquiesced, then he must be permitted to say, with all due deference, that this Bill had been introduced without due inquiry, and without proper examination into details which endangered the existence of property held by various corporations for distinct and specific purposes. He said this, because he was satified that as the Bill then stood it would not even effect the object which the noble Lord, in answer to the question of his right hon. Friend, the Member for Tamworth, seemed desirous of attaining. With respect to the inchoate rights to which he had before referred, they were possessed, he contended, by certain persons who, on becoming of age, were entitled to their freedom, not as a matter of grace, favour, or purchase, but as the effect of a legal vested interest, the enjoyment of which they had a right to claim. Now, he would bring under the attention of the House a statement which he had received with reference to the rights and privileges of freemen in one town (Coventry), which he thought might be taken as a sample of the mode in which property was held and disposed of by corporations in the different towns throughout the country. In that town the first species of property held by the corporation was of that description which he admitted did not escape the attention of the noble Lord—he meant the right of common which was enjoyed by freemen of this town to the extent of each being allowed to place their cattle on the common. That was one of the privileges of the freemen of Coventry. The next was, that every freeman was entitled, on commencing business, to the use of 50*l.* out of Sir Thomas White's charity, to be repaid in nine years. Besides that, every freeman decidedly in want, had a right to demand out of the funds of the same charity the sum of 4*l.* Again, there was an endowed grammar school, supported by the rents of estates,y i elding 900*l.* a-year, to which every freeman had the right of sending his son, where he was educated free of expense. There were, too, estates left for the purpose of binding out as apprentices, the children of freemen. Now, let the House consider what they were doing when they determined to take away from the inhabitants of such towns the inchoate rights to which they were entitled. The apprentices of Coventry had a right to every one of the privileges which he had enumerated. Was it the intention of the House to abolish these rights? Was the Government going to deprive these persons of them? He should not stop to inquire at any length into that question; but he could not help asking the noble Lord, and his hon. and learned Friend, the Attorney-General, what, under the provisions of the Bill, they meant to do with this species of property; to what purpose did they intend to apply the money derived from the sources which he had mentioned? He could find no provision of the Bill—no enacting Clause in it—nothing in the answer of the noble Lord which enabled him clearly to ascertain the views of the Government on this part of the Question involved in the Bill. He must repeat the question—what did they mean to do with the property of corporations? They meant to abolish freemen altogether, and destroy the rights which belonged to them? In what way, then, would they dispose of these charitable funds possessed by almost all the corporate towns throughout the kingdom which were directed by will to be applied specifically for the benefit of freemen, and to be reserved to their wives, widows, and children? It was because he could find no clue whatever to the determination of the Government in any of the details of the Bill, or in any remarks of the noble Lord, that he felt it his duty to assert that the Bill had been introduced without proper inquiry. Was it proposed that the property which he had already alluded to should revert to the donor, or was it intended to apply it to the general purposes of the corporation? Had they a right to adopt such a course. This property was not left on some occasions to the corporations at all. It was in some instances left in trust to individuals for the benefit of freemen, their children, wives, or widows. He might be told, however, that though it was resolved to abolish the old corporations and the freemen, still that it was the wish of Government that these charitable funds which had been left in trust should be taken from the freemen and placed under the superintendence and control of the new burgesses. If this was the resolution of his Majesty's Government there was no Clause in the Bill to that effect. Indeed, no such disposition of this property seemed to have been contemplated by the framers of the Bill; for by the sixth Clause all persons were prevented from becoming burgesses who received any relief from the charitable funds of the corporation. The difficulties which encompassed this question, appeared to have been totally overlooked by those who drew up the Bill. But supposing that they had considered the point, and provision were made for disposing of these funds, he would ask the House whether it was expedient, fair, or proper to deprive these persons, who were now entitled to it, of this property. Had they any right to do so. The property which the apprentices of Coventry possessed in the inchoate rights and privileges of common, of the power to get a certain sum from Sir Thomas White's charity, to have their children sent to a free school, to bind out their children without expense, was as valuable to them as any estate which might belong to any hon. Member of that House. Now, let the Committee try the Clause by that test. If a Bill were introduced into that House to deprive any hon. Member of the vested interest which he had in any estate, would they listen to such a proposition for a moment? Upon what principle, then, could they deprive those persons of the existing generation, who had entered on their apprenticeships, with the well-founded hope of becoming freemen, and who had paid a premium for that privilege which they expected to enjoy, of that property to the possession of which they had a right to look forward. The next point which he would submit for the consideration of the House was, why was a question of property introduced at all into the Clauses of the Bill—what had it to do with the municipal government of corporate towns. The amendment which he meant to propose did not go to throw out the proposed Clause: it was not framed for the purpose of at all thwarting the noble Lord in the formation of the constituent body under the Municipal Bill, or changing the qualification from that of payment of rates; what it was his intention to submit to the Committee was, that no person should vote for any Member of the governing body appointed by this measure, or receive any privilege conferred by the Bill, except those who were qualified under its provisions. He did not wish that the rights of freemen should be allowed to interfere with the privileges conferred by this Bill; but he was certainly most desirous that those persons who had inchoate rights should be allowed to hold the property to which they were entitled, and that these rights should be protected. This Amendment would not interfere with the due administration of the municipal government of the towns, but merely pledged the House to the preservation of the rights, privileges, and property of the freemen. There was another point to which he wished to advert—the right of freemen to vote for representatives in Parliament. There was a provision in the Reform Bill introduced by the noble Lord which expressly secured to them that right. Why was that provision to be altered; and if altered at all, why was it not altered directly, not indirectly? The noble Lord might perhaps say, that at the time of the passing of the Reform Bill, he was not acquainted with all the facts which rendered it undesirable that freemen should retain the elective franchise. If so, why, when the noble Lord became acquainted with those facts, did he not bring in a Bill to alter the Reform Bill in that respect, founded on an allegation of the misconduct of the freemen? Having given a privilege to any set of persons, was it justifiable to take that privilege away, except upon proof of misconduct? The noble Lord said, that freemen had been guilty of receiving bribes; if so, let those freemen be disfranchised, but do not disfranchise freemen who were innocent of any such practices. But were freemen the only class of electors who had been guilty of bribery? The noble Lord was too well read in the history of the country, and in the history of elections, not to know that the very class of constituency which he now preferred to freemen, namely, the scot and lot voters, were of all classes of the constituency, the most corrupt. It was not fair, therefore, on the part of the noble Lord, to confine the charge of bribery to one class. The case of Shoreham was a case of scot and lot voters; the cases of Warwick, and of other places, were cases of scot and lot voters. The Report on the Stafford case showed that the housekeepers were bribed. Under such circumstances, it was unjust on the part of the noble Lord to come down, and, by a side wind, deprive freemen of their elective franchise when it was found that other classes of the constituency were quite as open to bribery as they were. He was desirous that the Bill under the consideration of the Committee should be strictly confined to the object for which it was professed to be introduced, viz.,—for the improvement of Municipal Corporations; and that no Clause should be introduced into it not having any bearing on that object. The effect, however, of the Clause now under consideration would be to get rid of a compact which was concluded at the time of the passing of the Reform Act. At that time, freemen were not told, "Your children shall not have the right to vote for Members of Parliament, nor shall they enjoy the property which you now possess." On the contrary, they had reason to believe that the rights secured to them by the Reform Act would be secured to their posterity. This was the first time that any attempt had been made to interfere with those rights. He hoped the noble Lord would see the propriety of not pressing the Clause. If he did, however, he (Sir William Follet) should feel it to be his duty to press his Amendment; and he trusted the House of Commons would not consent, in a Bill of this description, to allow of the insertion of Clauses which had even the appearance of being founded on a violation of faith; and which were, in fact, an interference with the rights, privileges, and the property, of a large proportion of the inhabitants of this country. The hon. and Learned Gentleman concluded by moving an amendment to the effect described in his speech.

The *Attorney-General* said, that he felt it his duty to oppose the Amendment of his learned and hon. friend, as, in his opinion, it would, if adopted, tend very much to defeat the great object of the Bill. He would contend that the existence of freemen in Corporations, as distinct from residence or occupation, was an usurpation, that the system as it now stood was a curse to the country, and the sooner they were got rid of the better. If there were any peculiar cases where estates had been devised for any particular purposes it would be easy to think of a proviso; but until these purposes were distinctly proved he thought there should be no interference. He would ask the Committee, what would be the effect of the Amendment of his hon. and learned Friend if it were carried? It would be to perpetuate the present race of freemen for ever—in *secula seculorum*—and that, as long as England was England, they should enjoy the privileges they at present possess, however obnoxious they might be to the public welfare. Instead of the Bill being a blessing it would be a curse if this Amendment were adopted. And then, what a new and anomalous race of beings it would create! Freemen were now corporators—they had a right under the existing system of voting for mayors, aldermen, common-councilmen, and recorders. His hon. and learned Friend did not propose that they should become burgesses, or common-councillors, under the system sought to be established by the present Bill. To what purpose were those powers continued in them when they would have no object to exercise them on? It was an effort to perpetuate abuses which should never exist, and to continue rights which were manifest usurpations. He—as a lawyer and an antiquary—who had, as a matter of necessity, given some degree of attention to the ancient history of corporations, insisted and asserted that freedom unconnected with inhabitancy of a place was an usurpation. When the charters under which most of the present corporations claimed were granted by the former Kings of England, the only freemen recognised by law were the resident inhabitants, and all freemen were corporators, It was, therefore, an usurpation when corporations refused to admit inhabitant householders to the freedom of any city or borough claiming to be incorporated under such charter, as well as a violation of the charter itſelf; and it was the same in both instances, when they admitted individuals to the freedom who did not possess the necessary qualification, which was occupancy. The consequence of these usurpations, which had become general in the course of time, was, that in most cities and boroughs in England the great mass of the inhabitant householders were excluded from the privileges of the freedom, while the corporations, in consequence of the admission of unqualified persons, consisted in most cases of mean, wretched, beggarly, and exceptionable individuals, who should never have been admitted to their freedom. His hon. and learned Friend had proposed the admission of all who, by birth or servitude, were entitled to their freedom; but his hon. and learned Friend surely knew that in the former case the determination of the limits of the corporate jurisdiction was necessary, while in the latter proper vouchers of servitude, as well as enrolment, according to the forms of the extinct corporation, were imperative. But the Bill before the Committee went to extinguish the ancient corporations, and to create others in their stead. Who were to admit these individuals to the freedom of the city or borough in which they were born, or had served their time, in that case ? To be valid the admission should be formal, and effected in the mode and manner prescribed by the charter. When, however, the charter prescribed admission through the mayor, aldermen, and common council, and where no such body should be found to exist, how could the act of admission be made or performed ? When these bodies were gone, who were to exercise their functions in that respect ? Again, in the matter of servitude, or rather the performance of certain conditions, which, being performed, entitled the party to his freedom and all the immunities and privileges consequent on it, who was to ascertain that these conditions had been fulfilled? At present the Court of King's Bench would grant a *quo warranto* to ascertain the fact, because the law of corporations was defined, and the right to do so was determined in that Court. By the Bill before the House corporations were extinguished, and in that case therefore the jurisdiction of the Court of King's Bench was at an end. It would not interfere with what was not in existence; what then became of redress? It was highly necessary to put an end to the present system. It could not be longer borne that two classes of individuals should exist in the same borough or city, one of which, without any reasonable cause, was more privileged than the other. One of the most valuable privileges of freemen was exemption from toll. Did his hon. and learned Friend mean that from henceforward and for ever freemen, many of whom had no property, most of whom had no character, should possess that immunity? His hon. and learned Friend had inveighed against encroachments on corporate possessions, and asserted the rights of property, which existed in corporate bodies. But his hon. and learned friend should have remembered that these possessions were usurped in most instances; and that the corporations divided amongst themselves, in a majority of cases, those funds which had been intrusted to them for public purposes. The abuse was so glaring and so indefensible that the sooner some change was made the better for the country. His hon. and learned Friend had seemed to say that there would be a hardship inflicted on that class of persons by depriving them of the right of voting in the election of Members of Parliament; and he had urged on the consideration of the Committee that the Reform Act was final as to the several component parts of the constituency for that purpose, and that the clause before them would be an infraction of its provision. But there was no such compact expressed or implied in the Reform Act. It did not affect to deal with the question of the rights of freemen. It simply stated that while freemen were suffered to exist they should have permission to exercise the elective franchise. Nobody would be so insane as to say that because a thing was, it should always continue to be; or that the hands of Parliament should for ever be tied up in that or in any other particular instance. It was essential to the success of the Bill before the Committee that the power should be taken away from that class of freemen, and that their hands should be tied up, to prevent them doing further mischief. In a majority of cases they paid no rates—had no property—did not even discharge scot or bear lot—and the time of many of them was passed in workhouses the greater part of the year, whence they were withdrawn on the approach of an election Municipal or Parliamentary, for the purpose of giving their vote for a bribe of some description or other. In almost every election of either kind the freemen of the several constituencies were notorious for bribery. His hon. and learned Friend had asserted, that their infamy was participated in by the other classes of voters, and he (the Attorney-General) was not disposed to deny it, to some extent. But he, too, was prepared to say that he believed the infamy of the freemen was the original cause, and that the corruption of their example extended itself to those who were not so vicious as themselves. Until they were eradicated from the constituencies of the kingdom, and the system under which they had flourished was put an end to, there could be no hope of purity of election for Municipal Officers or Members of Parliament. When this should have been done bribery and corruption, he believed, would be at an end. With respect to the rights of property, asserted by his hon, and learned Friend to exist in corporations he should offer one word. With respect to the hardships pointed out by his hon. and learned Friend—no man could regret more than he did, any infringment on individual interest even for public good. But he felt himself compelled, on principle, to sanction this measure, because he believed the public good paramount to all other considerations, merely private or personal. The Clauses objected to, were framed with great tenderness to those who were to be affected by them. According to the precedent of the Irish forty-shilling freeholders set by the right hon. Baronet, the Member for Tamworth, all existing freemen might at once have been disfranchised. But the rights of all existing freemen were sacredly preserved. To the end of their days, all of them would continue to vote for Members of Parliament, and to enjoy all the rights of property which they might now claim by custom, without any strict legal title. All the children of freemen now born, and all who are now bound apprentices, were to enjoy the exemptions, and to be entitled to the advantages which they might have claimed had this Bill not been introduced. The full advantages of the Bill were thus postponed for another generation: and the error to be imputed to the ministers was, that they had shown too much respect for rights which had their origin in usurpation and misapplication of the property held by the Corporations in trust for the public good. He felt it impossible for him to agree to the Amendment of his hon. and learned Friend.

Mr. *Harvey* complained that the hon. and learned Attorney-General had shown so little kindness for the corporate constituencies, when he classed them all as denizens of gaols, and mean, wretched persons. He had been returned to that House for a space of upwards of eighteen years by the burgesses of Colchester, and he certainly could, from his own knowledge, as far as that borough was concerned, disprove the unkind assertion of the hon. Attorney-General. In place of finding them worse in proportion as they were necessitous, he had always, on the contrary, found that the poorer they were the more virtuously they acted. There was one observation which might be made by the hon. and learned Member for Exeter, who omitted it in his valuable dissection of the clause before the Committee; but as it was without the range of that hon. and learned Member's principles he (Mr. H.) could easily excuse him for the neglect of it. It was this: the effect of the Clause as it stood would be to destroy, almost immediately, no inconsiderable portion of the constituency of the country, in as far as cities and boroughs were in question, and eventually to annihilate more than half of the whole. He would take a case in point, Colchester, for instance, which he knew from his own experience. In that borough there was a constituency of from 1,000 to 1,200 voters, he would say 1,150, of which about one half were freemen or burgesses. Of this half one moiety would be immediately extinguished; that was about a quarter of the whole constituency, inasmuch as at least that number of the class in question were not rated to the poor rate or in the payment of local taxation. In about twenty years the entire six hundred would become extinct; inasmuch as by the Clause in debate there was no power of keeping them up permitted. Thus the town of Colchester would have a constituency of only 600, in place of nearly double that number. In other boroughs, where the population was less, and the elective franchise consequently in fewer hands; for instance, in some boroughs where the electors did not amount to more than five or six hundred—if the same proportion were permitted as the basis of calculation, and it was not by any means an unreasonable one—what would become of the intention of the Reform Act? Close boroughs would be as prevalent as ever, unless some remedy were devised for the disease. For his own part, he confessed he was not at all sorry for the circumstance, nor did he much fear the consequences. Out of evil, however, would come good. He saw in the provisions of the Clause before the Committee enough to assure him that in the process of a very short period of time the Bill which they were about to pass would compel a more extended constituency all over the kingdom, inasmuch as it was only natural that those who were to be intrusted with the power of governing themselves in their municipal affairs should turn round, and require the power of electing their Representatives in Parliament. Those who could wisely choose a Mayor and Common Council could not easily be refused an extension of their privilege to the choice of Members of the Legislature. He was, therefore, favourable to the principle of the clause, for the reason, that he believed its result would be to establish a system in which the Parliamentary and the Municipal Representation of cities and boroughs should be co-equal. The hon. and learned Attorney-General had passed rather lightly over those observations, respecting the rights of property in schools and charities vested in corporate bodies as they at present existed, made by the hon. and learned Member for Exeter; notwithstanding that there was much in them deserving of notice. There was a school, for instance, in Colchester—he should take the place most familiar and best known to him—in which by the terms of the charter or grant, it was expressly stated that the boys educated there should be the sons of burgesses or freemen, for both names were of the same signification. Now, if the Clause, were agreed to, in five-and-twenty years the burgesses would be swept away. [No, freemen.] But freemen were burgesses. Now, after the passing of this Bill no person would be admitted on the roll of burgesses. In schools, therefore, the charters of which declared that the boys should be the sons of burgesses, if the burgesses were destroyed, the qualification would be destroyed. He did not say that this might not be remedied. But when there was a race of amity with reference to the Bill, he thought it desirable to throw into the common stock of information whatever suggestions might occur to him. The hon. and learned Member for Exeter had somewhat overstated the case of the charity of Sir Thomas White; although he (Mr. Harvey) was sure that the hon. and learned Gentleman had no intention of overstating it. This property was to be placed at interest, and divided amongst the twenty-four named Corporations, amongst which were Bristol, Oxford, and Coventry. A small sum per annum was allowed to the Mayor of Bristol for going round and attending to the distribution of the money amongst the corporate bodies entitled to it. The Corporation of Bristol, however, invested the money (2,000*l.*) in the purchase of land which now produced 2,000*l.* a-year, but the Bristol Corporation contrived to keep to themselves that amount, with the exception of some trifling disbursements to others. Oxford city, which was never backward in asserting its claim to every thing which to it considered itself entitled, claimed its right to have 2,000*l.* once in every twenty-four years, but the claim was resisted. Coventry, instead of its twenty-fourth share of the 2,000*l.* a-year came in only for 100*l.* every twenty-four years; and this he supposed, was one of the rights of property to which the hon. and learned Member for Exeter adverted, which he could not but look upon as an over-statement. He was glad to hear from the hon. and learned Attorney-General that the chartered schools were to be thrown open, not only to burgesses but to all others. This would be especially advantageous to Colchester; for at present, although there was a considerable endowed school there, the master received all the money, and there were no boys in it.

The *Solicitor-General* contended that it would be impossible—not merely difficult, but impossible—that any good or any tolerable system could go on if the Amendment proposed by the hon. and learned Member for Exeter were adopted. He would call on his hon. and learned Friend to say what would be the constitution of corporations in a few years if his Amendment should pass? The Members of them would consist of two classes—one the rate-payers, the useful and industrious party, who would have to pay all the burthens, and the other the aristocracy of freemen, who would derive all the benefits but who would have to pay nothing. He did not say that this would continue, but as long as it did last it was human nature that it should beget incessant heartburnings. He thought that by the line of argument which had been pursued by the hon. and learned Member for Exeter, the hon. and learned Member had been completely begging the question. The case of Sir Thomas White's charity, which had been alluded to, had led to interminable discussions in the Courts of Law, of which his hon. and learned Friend was doubtless aware; and though it sometimes occurred in the Court of Chancery that difficulties presented themselves as to the definition of what constituted a charity and what a Corporate Fund, yet in the case of Sir Thomas White's bequests he had no such difficulty. But, supposing his hon. and learned Friend's statement respecting it to be correct, what did it make for his argument? It was in proof that the fund known as Sir T. White's was a mere charitable trust—it was plain that no fund of this nature would be invaded by the Bill before them, and as to its administration it would be transferred into the hands of the Mayor and Common Council, the successors of the old Corporation. With respect to the fund itself and its appropriation, if any doubts were entertained on that head they could be easily resolved by the Court of Chancery, who could direct its appropriation to other purposes, as had been done in the case of a charity for the release of Algerine Christian captives by Lord Eldon, when there were no longer any Christian captives to be released, on the destruction of that Power. The principle was the same in both cases; and if the Court had jurisdiction in one it should have it also in the other. If, then, there was no difficulty in depriving freemen of their rights in property there could surely be none in depriving them of the exercise of the elective franchise for Members of Parliament, because it never was intended to confer that privilege on any individual as a mere right attached to his person alone and unconnected with any circumstances of property or any condition of public service. The moment the existence of privileges in any body of men was discovered to be incompatible with the interests of the country that moment they should be unhesitatingly swept away for ever. He could not conceive anything less likely to serve and more likely to injure the stability of the State than that a class of individuals possessing no property should have an interest in the election of Corporate officers in the Government of a town—such persons who might be careless of the well-being of the country should not have the power either of electing Corporate officers or of sending Members to Parliament. He felt bound, therefore, to oppose the Amendment.

Mr. *Charles Barclay* wished to make a few observations. He had always thought, though not in Parliament at the time of the Reform Bill, that property and representation went hand-in-hand; and considered it as a great blot in that Bill, the continuing the freemen, and giving them the right to vote; he was convinced that the 10*l.* franchise was sufficient in some of the towns, it was not sufficient for the larger towns of the kingdom, and had he been in the House at the time of the Reform Bill he certainly should have proposed a higher qualification for those towns. Having that opinion he wished to carry the Clause as it then stood, because he considered that it would be better that the representation both for the Mayor and Common Council and for Members of Parliament should be placed upon property. He therefore felt satisfied with the basis of the qualification for constituents who were to elect the Mayor and Council; and if Parliament had not decided that the freemen should have the right of voting for Members of Parliament, he would not have voted for their having the right even now of voting for the Mayor and Corporation. He had paid great attention to the arguments of the Attorney-General, and all he had heard of him was, that that body of persons were anomalous, and were holding their rights by usurpation; and he referred to ancient times to prove that those individuals had no right to complain, because now those rights and privileges were to be taken from them. Why, a possession of thirty, or sixty years ago, perhaps, gave hon. Members the right to that property, which they held as a qualification for their seat in Parliament, and when so short a period as that gave possession of those properties, it was rather hard to state that freemen had no further claim upon our consideration, because they had held them for 200 years. But again, it was said, that those individuals were ready on all occasions to commit bribery. Did not the House think that there was temptation for bribery in the election for Mayor; and Gentlemen, he thought, would not be less likely to expend their money for obtaining those offices than obtaining any other. But it had been proved that bribery was not confined to that individual class of freemen who held the elective franchise; now, the 10*l.* householders, had been bribed as much as the former parties [*No, no,*]. Hon. Members might say No? But he believed there was a learned Gentleman (Sir W. M. Rolfe) knew something about a certain borough, in the Western part of the country (Penryn), which had been before the House once or twice since the Reform Act passed, and therefore, he had not been much benefited by that measure; and he thought an adjoining borough to that had caught a little of the infection, [Sir *W. M. Rolfe* said, the hon. Member was quite mistaken.] If he were mistaken, he spoke on the evidence of a most respectable individual resident in the town, who declared that such a system of bribery had gone on for the last two elections. [Sir *W. M. Rolfe* gave a positive denial to the statement.] Well, if not so, he was sure no hon. Gentleman would get up and say, that there had been no bribery in the new boroughs. He would not have mentioned the case had he not been cheered from the other side; there were plenty of other instances well known to hon. Members. What object could they have in disfranchising those freemen? He did not quite agree with the proposition of the hon. Member for Exeter. He thought it was not an Amendment of the original Clause, for if there were to be Members of Parliament let them be elected by men of influence residing in the neighbourhood who would be above petty bribery. In his opinion, there was more likely to be bribery the in election of the Corporate Officers, than the in election of Members of Parliament, for the Reform Bill had increased the supply of electors, and lessened the demand for seats, for those towns and boroughs. If they were disfranchised, a great number of individuals by this Clause would throw these towns open to bribery and corruption of every description, and instead of having a reformed House of Commons, representing (as it seemed to him that it did) the opinions of the respectable people of this country, as the division of this House had then shown, if they passed this Clause, and now threw away freemen altogether, they would introduce a greater system of bribery and corruption into the boroughs than could be set aside by any alteration they could make in the Reform Bill.

Mr. *William Williams* said, that he admired and had supported the principle of the present Bill, yet he should feel it his duty to vote for the Amendment which had been proposed by the hon. and learned Member for Exeter. He should do so, because he thought the Clause, as it now stood, was a great infringement of the principles and provisions of the Act of Parliamentary Reform. By that great measure the rights and privileges of freemen had been preserved and maintained, and of that body in the city he had the honour to represent (Coventry) he could state, that a more virtuous constituency did not exist in this country. ["*No, no.*"] Despite those tokens of dissent, he challenged any hon. Member to controvert that assertion, or disprove the fact that a greater portion of that class of the constituency had voted for him in contravention of the feelings of the corporation than had ever voted for any candidate on any former occasion. The effect of this Clause would be, to reduce the class of his constituents, denominated freemen, from about 2,500 to 1,500. This he took to be a serious attack upon the provisions of the Reform Bill, and a very great and extensive infringement upon the elective franchise. It was most unjust, inasmuch as the attack was confined to a body of electors who were equally as independent and honest as any other body to whom the elective franchise had been by the Legislature intrusted. A great deal had been said, too, about some large property belonging to the city; and reference had been made to Sir Thomas White's charity, but the Attorney and Solicitor General had not, in his opinion, answered the question of the hon. and learned Member for Exeter (Sir William Follett), viz. what was to be done with that immense mass of property, it was indeed divided in various ways but there was one amounting to 800*l.*, which had been settled by the Court of Chancery to belong to and to be divided among the freemen of the city; 185 of them received 4*l.* annually, though not the same men permanently; they were changed every year so that the same person received it once in ten years, and a body of 1800 received that money among them. He should like to know what the Attorney and Solicitor General meant to do with that property; from the nature of their occupation the freemen brought up their children as a matter of course to the same trade with themselves who in point of fact, could assist them at an early age; and here was the reason, perhaps, why they were not educated, the children looked to that sum of money as a right—a right which belonged to them, and he (Mr. Williams) could not understand the principle of justice upon which, by this Bill, they were deprived of their rights and privileges. Then, again, there was the right of the "Lammas-land;" there were 200 acres about the city in which the freemen had the right of pasturage, during about half the year. He should be glad to know what was to become of that great mass of property, which had descended from father to son, in recognition of their rights as freemen, which were not as in other places conferred on persons by favour or acquired by gifts, but acquired by seven years servitude; and he would ask could they find a body of men more deserving of the trust of freedom than those who had acquired it by having served an apprenticeship of seven years? Did not the man, by the very circumstance of applying so much time to acquire an art, place himself in the situation to become an independent man, and might he not have as much independence both of character and conduct, as any of the richer class of the community. He had acquired a great deal of experience in elections at Coventry, the class of electors there was generally artizans, and he had seen more independence of character, and less improper influence over those mechanics, than there was in the citizens of London; he knew that their votes were not so easy to be influenced as those of the electors of that city. Now the Attorney General had talked of those freemen being a "new and an anomalous race." Why the freemen of the City of London had exercised their right for the last 500, or 600 years, and yet he called them "new and anomalous." He certainly did not know whether the learned Attorney-General had not spoken of his being somewhat versed as an antiquary; but he certainly, thought he was not versed in those corporations, else he would never have spoken of those corporations as "new and anomalous." He should give his most perfect concurrence in the Amendment.

Mr. *Vernon Smith* considered the Clause now under consideration was one of the most valuable in the whole Bill, both in its direct and in its indirect effects. The hon. and learned Member for Exeter had, by a reference to the case of Sir Thomas White's charity, got himself into a bit of a scrape. For though much of his speech had turned upon the situation of Coventry in reference to that charity, the borough which he had the honour to represent was interested in that charity, as being one of the twenty-four boroughs which were benefitted by the bequest; and he would show the hon. and learned Gentleman, and the Committee, how and in what manner the loans under the charity were brought to bear for certain purposes. A portion of that charity was distributable in loans, as had already been stated, to individuals selected by the corporation, and the mode of distribution thus appeared in the Report of the Commissioners.—"A witness of the name of Jeffery, a baker, deposed that he had petitioned several times, but always unsuccessfully, for the loan, which it was an object to him in his business to obtain. He had always voted at the elections on the Whig side, but had never taken an active part. On one occasion, when canvassing he had called upon an alderman of Northampton. The alderman, when applied to, said, 'I almost forgot—how did you vote at the election?' On the other 'answering that he always voted on the Whig side' the alderman replied, 'How then can you expect any favour to be shown you by the corporation?' On another occasion a common-councilman said to him, 'It was of no use trying for the loan, for he should not have it,' and asked him 'how he was such a fool as to vote against the corporation.'"

Sir *William Follett* said, the hon. Member would excuse him if he interrupted him. The hon. Member had said, that he (Sir W. Follett) had got himself into a scrape by naming Sir Thomas White's charity; but he doubted whether the hon.

Member was not premature in that supposition. He had stated to the Committee that he spoke upon information which he had received, and on the same information he now repeated that there was a charity called Sir Thomas White's Charity, in Coventry, yielding 800*l.* per annum, which was peculiar to that city, and participated in by no other corporation whatever. In other charities from the same donor no less than twenty-four towns participated, but of these Coventry was not one.

Mr. *Vernon Smith* said, that the interruption did not make the distribution of the charities elsewhere less discreditable than it appeared from the Report which he had read. He contended that, after what he had stated to the Committee, as well as upon principle, it would be a mutilation of the Bill to omit the Clause now under discussion, and to such a mutilation he could not consent, even though it was sought on behalf of the freemen of the city of Coventry, and he would urge the noble Lord (Russell) not to leave a vestige of those ancient rights of freemen, so anomalously apparent. The hon. and learned Member for Exeter had said, that the present Bill had been introduced without inquiry. He (Mr. Smith) contended that the fullest investigation had been gone into, and he only doubted whether or not many of the principles of this measure might safely have been embodied long since in a Bill without any evidence, for, in his opinion, they were in necessity and justice self-evident. He denied that it had been any part of the bargain for the passing of the Reform Bill that the rights of freemen should be retained, or that any contract had been made in that respect from which the Legislature ought not to depart. He perfectly agreed in what had fallen from his noble Friend who introduced the Bill, that of all the evils of the present corporation system, the greatest was that which gave power to the few by the corruption of the many, and that although hereditary Legislators might be beneficial to a State, hereditary electors, such as those whose privileges it was now sought to maintain inviolate, were not to be justified. He hoped, therefore, that the Committee would not hesitate in agreeing to the Clause as it at present stood in the Bill.

Sir *James Graham* addressed the Committee. The right hon. Baronet said, that it was not his intention to occupy the valuable time of the Committee, and he should not have risen if he had not felt very anxious to offer to the consideration of the hon. and learned Member for Exeter a suggestion which he felt would conduce to the ultimate justice of the decision of that House. He was not about to allude to the most extraordinary purity of the freemen of Coventry, nor had he any intention of joining in the vituperation which hon. Members had indulged in against freemen in general, and still further was it from his intention to argue against his Majesty's Attorney and Solicitor General upon the propriety of annihilating the whole body of freemen, *en masse*. But it was a matter of very great importance that the Committee should discuss two points distinctly, and which the hon. and learned Member for Exeter had raised conjointly, and the latter of which, in his opinion, had not been raised appositely upon the present Clause. Under the 9th and 10th Clauses of the Bill, directly in one case, and indirectly in the other, were involved two inchoate rights of freemen; the first was raised indirectly, and it was the inchoate right of the sons of freemen to vote hereafter on the return of Members to that House. This point fairly came under the 9th Clause of the present Bill. It was, in fact, a very important point. But the hon. and learned Member for Exeter had unfortunately combined with this point the inchoate right of freemen to certain benefits of property reserved in the 10th Clause. Now, what he would suggest was, that the latter point could be more satisfactorily postponed until the 10th Clause of the Bill was in its due course before the Committee. If the hon. and learned Member for Exeter would agree to take the first point separately, he would find that a great many Gentlemen in that House would vote for him on that point who could not vote for him on the second, and who would rather vote against the first than involve themselves in an approbation of the second; whilst many hon. Members were disposed to do directly the reverse. He therefore hoped that the hon. and learned Gentleman would separate the two points, which really were in themselves essentially distinct. Upon the first point he trusted that the hon. and learned Gentleman would not wish to extend the privilege of voting further than to those who were in boroughs already apprenticed or already born. He was bound in candour to admit that it was with the very greatest reluctance that he, as a Member of Lord Grey's Government, had consented to the change effected by the Reform Bill, and it had been his urgent wish to extend the right of voting beyond the line of persons who now enjoyed it under that Bill. Still would he maintain that the existing arrangement, having been made under the Bill, it ought to be preserved as a sort of national compact. He did not mean to say that the arrangement could, beyond a certain extent, be permanently binding on the Legislature; but when he heard the hon. Member for Southwark exclaim, as he had done that night, "Reformers be comforted, for in this Clause I see the seeds of future changes, for those who are to vote for mayors and councils of boroughs will soon assert their competency to vote for Members of Parliament"—when he heard the hon. Member use such language he did call upon the Members of Earl Grey's Government to preserve inviolate the compact of the Reform Bill. He would say to those who had been his colleagues in the Government of Earl Grey, "Beware! If you are desirous of resisting further change, adhere to the compact which, as Members of Earl Grey's Administration, you readily acquiesced in;" acquiesced in, he should ever consider, honestly, because it smoothed the passage of a great measure which it would otherwise have been difficult, if not impossible, to carry. He called upon them to beware not to set the example of a premature or hasty departure from the provisions of the Reform Act. He held this Clause of the Bill then before them to contain an unnecessary departure from the provisions of the Reform Act. He had a still stronger objection to it; he considered it not only an unnecessary departure, but there was this which was a damning vice in it, it was an indirect departure from it. If the Question were raised at all, let it be raised directly—let it be raised manfully—let it be raised openly and avowedly in the shape of a Bill to amend and correct the measure passed two years since for reforming the representation of the people. If the thing were to be done at all, let it be done openly—let it be done in a manner which should afford to those whose franchise they proposed to destroy, or, as the hon. and learned Solicitor-General had said, "to annihilate," an opportunity to be heard. He (Sir J. Graham) denied that since the passing of the Reform Bill any material new facts had arisen which could now warrant the introduction of a change which was then resisted. If such facts had arisen, if they were notorious, let them be brought to light; if any convincing reasons existed, let them be brought forward in an avowed shape—let them be introduced in the form of a direct and positive measure. But he (Sir J. Graham) said, especially after the warning which had been held out by the hon. Member for Southwark, that there were in this Clause the seeds of further change in the representation of the people, that he should pause before he consented to the adoption of such a provision as that contained in the Clause then under the consideration of the Committee. If his hon. and learned Friend, the Member for Exeter, would adopt the suggestion which he (Sir J. Graham) had ventured to throw out, he should have great pleasure in supporting his Amendment.

Lord *John Russell* thought it necessary, in the first place, after the warning which his right hon. Friend (Sir James Graham) had had the goodness to give him and those who had enjoyed the good fortune of being Members of Lord Grey's Administration, to say that he thanked his right hon. Friend for his advice; and, in the second place, to tell him the reason and the motive upon which he was not disposed to act upon that advice. He owned he was the less disposed to follow that advice because it was not the first time on which he had observed that his right hon. Friend, who with him (Lord J. Russell) and with others encountered so boldly the dangers and obstacles which were placed in the way of the Reform Bill —dangers and obstacles as great perhaps as any Government ever encountered—had appeared since that period, he knew not why, to allow certain fears and apprehensions to enter his mind, which seemed rather to betoken that his right hon. Friend in concurring with his colleagues in bringing forward the Reform Bill, had not duly weighed those consequences which must necessarily and unavoidably result from it. He had observed, rather with amusement than otherwise, that it was quite sufficient for the hon. Member for Southwark, or the hon. Member for Middlesex, or any other Gentleman who professed extreme opinions, to speak of further and greater reforms — reforms which they considered to be wise in themselves, and which hereafter must necessarily be carried into effect—it was sufficient for those Gentlemen to mention any one of those subjects, at once to fill his right hon. Friend's mind with dismay and terror, lest every thing that was valuable in the constitution should suddenly and for ever be swept away, and the country involved in a series of perpetual and rapid changes, under which there would be no security whatever. He knew not the meaning of that cheer; his opinions were directly the reverse of the opinions which that cheer was intended to mark; his opinion was, that the people of this country were indeed bent upon reforms, but there never was a country in which the opinions in favour of reform were weighed more carefully, in which every step was taken with greater care, or in which there was a greater indisposition to precipitate any measure tending to endanger the institutions of the country, or to impair the security of property. Every measure of that description caused a strong public feeling against it; and whilst an opinion prevailed in favour of wholesome and even great reforms, there was not in this country any violent enthusiasm for measures which could in any respect be dangerous to the peace or to the ancient institutions of the country. Then his right hon. Friend said, "If you are disposed to change, do it directly." The present was not only, he said, a measure of great change, but it was indirect and hidden in its operations. When his right hon. Friend spoke in that manner, he must ask him, whether he meant to say that his Majesty's Government were not bringing forward their Bill for Municipal Reform honestly and fairly. He might ask his right hon. Friend, whether he meant to say that all this machinery with respect to corporations was only a mask to conceal some sinister change in the Reform Act? If his right hon. Friend did not mean that, why did his right hon. Friend talk of their doing that indirectly which ought to be done directly? The Clause then under consideration, to which his right hon. Friend had taken so strong an objection, was a necessary consequence of the principle of Municipal Reform. The new franchise to which his right hon. Friend objected, was not introduced for the purpose of altering the Reform Act, but for the sake of amending and reforming the different corporations throughout the kingdom. It certainly did make an alteration, and he did not deny, a great alteration in the provisions of the Reform Act. That, however, was a consequence which it was difficult, if not altogether impossible to avoid, when they came to consider the right of voting as applied to Municipal Reform. Let the House consider what was the nature of the proposition submitted by the hon. and learned Member for Exeter. If the hon. and learned Gentleman had thought that the Government were bringing forward a measure which they had not sufficiently considered—if he thought they were bringing forward a Bill, the consequences of which they had not sufficiently weighed—he must declare in opposition to that assertion, that the hon. and learned Gentleman had submitted a proposition, by way of amendment, the consequences of which, as a lawyer and a statesman, he could not have sufficiently examined. What was the hon. and learned Gentleman's proposition? He was inclined to put to the hon. and learned Gentleman the difficulty which the hon. and learned Gentleman had put to him; for it certainly applied much more to the hon. and learned Gentleman's proposition than it did to his. The hon. and learned Gentleman said, "If you propose to do away with the freemen—if you think them worthy of punishment—if they have not conducted themselves in a manner to be entitled to the elective franchise—deprive them of it at once; but if you do not mean to do that, preserve to them their privileges." Such was the argument—such the dilemma in which the hon. and learned Gentleman attempted to place the Government. But he (Lord J. Russell) said, with respect to this Question, "If these freemen are worthy to exercise the right of freemen—if they are burgesses and members of the body corporate—keep them as the body corporate." If the freemen were fit to exercise all the privileges attaching to the character of a freeman, why did the hon. and learned Gentleman admit the first part of the Clause, which deprived them altogether of the possibility of being members of the body corporate—which deprived them of any voice in the election of the mayor or town council, and created them into a body for a separate purpose, exercising their rights for separate ends, but with this peculiar mark of degradation upon them, that having exercised for many hundred years the rights of freemen for Corporation purposes, they were now to continue the name of freemen, under Corporations from the benefits of which, and the management and control of which, they were to be wholly excluded. If in the place of these freemen, the House had, by adopting the 6th Clause of the Bill, obtained a better body of constituents, to whom should be intrusted the power of electing the governing bodies in all corporate towns? For what purpose was it that they were to preserve the freemen who existed solely by corporate rights, but who would then exist for purposes totally separate from the new Corporations. With that view let the Committee look at the Amendment moved by the hon. and learned Member for Exeter. It provided that nothing contained in the Act should extend to prevent admission to the freedom of the town of all such persons as, under the laws now in force, were entitled to be admitted, or in any way to affect the rights, privileges, &c. of such persons. He supposed that there were two separate ends, for which it was proposed that this right of freedom should be preserved, and for neither of which he thought it ought to be continued; first, the general right which they had long enjoyed, and which was still preserved to them by the Reform Bill, of electing Members to serve in Parliament. He was far from saying that the House ought to introduce a special provision, or to pass a special Act for the disfranchisement of the freemen; but he said that if the House preserved the franchise of the freemen only for the purpose of allowing them to vote for Members to serve in Parliament, it would be doing a thing calculated to have a very prejudicial effect upon the Parliamentary right, as well as upon the interests of the Municipal Corporations. He thought it had been well put by his hon. and learned Friend, the Solicitor-General, that the effect of preserving to the freemen their Parliamentary rights alone, must in a great degree tend to prevent the good government of the corporate towns. The hon. and learned Gentleman, the Member for Exeter, had quoted the case of Coventry, and although he, in consequence of that quotation, felt it necessary for a moment to allude to the case, still, after all that had been said upon it in the course of the Debate, he should not think of detaining the House, and giving his opinion at length upon it. It appeared to him that the case of Coventry was one of those very cases which showed the mischief of preserving the rights of freemen for these purposes. There was a charity in that town called the 4*l.* charity, of which it was stated that one of the rights of admission to it was derived from a person's voting in such a way for Members of Parliament as was approved by the Corporation; and that it was a reason for the non-admission of a person if he did not vote in the way that the Corporation approved, or if, to use the local and familiar phrase, he did not bring money into their well. It was stated that out of the 1,273 freemen of Coventry, 936 belonged to the Corporation side, and 337 only to the other. Then what did the hon. and learned Gentleman propose to do? He proposed to keep up the right of the freemen to vote in municipal elections as well as in elections for Members of Parliament, and, at the same time, of course, to keep up their right to the 4*l.* charity, leaving to the Corporation the power of distributing that charity, as it had always hitherto done, for Parliamentary purposes. By his Amendment the hon. and learned Gentleman would preserve the briber and the bribee. But then the hon. and learned Gentleman's Amendment went on to say, that the rights, privileges, and property, to which the freemen were now by law entitled, should not in any way be affected by the present measure. Now many of those rights and privileges were of a description most hurtful to the towns in which they were allowed to exist. To a small body of freemen, for instance, was given a complete monopoly of trade, and an exemption from all the tolls imposed upon those who had not obtained the freedom of the town. And why were the freemen picked out from among their fellow-citizens for the enjoyment of these exclusive rights and privileges? He did not wish to say anything disrespectful towards that class of persons; but he must say that they were not selected on account of any peculiar merit that they possessed. They had been chosen as from out of the rest of the inhabitants, and were vested with monopolies and privileges which were originally intended for all the inhabitants of the towns. These monopolies and privileges the hon. and learned Gentleman now proposed to preserve; but in preserving, let the hon. and learned Gentleman notice what he would preserve. Not the corporate franchise, which might be of some use—not the corporate rights which they had long enjoyed—not a monopoly of exemptions, but the Parliamentary franchise alone; which Parliamentary franchise, as the House well knew, had given to them a means of struggling to maintain their monopoly, and of keeping to themselves benefits that to make them valuable required to be shared by all. Therefore he was not much inclined to agree with the hon. and learned Gentleman. Indeed he did not know how the hon. and learned Gentleman's proposition was to be carried into effect. Government proposed certain machinery for the correction of corporate abuses, and by which the Mayor and town council were in future to be elected. But how were they to contrive that those freemen who belonged to no Corporation, and whose rights only were preserved to give them a title to corporate charities and to the exercise of the Parliamentary franchise —how they were to devise a machinery by which persons possessing such anomalous rights were to have all those rights confirmed, he confessed he was utterly at a loss to conceive. He would ask the Committee would there not be the greatest danger, if on the one side they were to create a municipal body having the rights and privileges which municipal bodies by this Bill were to possess, and at the same time to place by the side of them another body possessing a monopoly of charities and a monopoly of trade? Would there not, he asked, be the greatest danger, if such a state of things were allowed to exist, of exciting a constant rivalry in corporate towns, of depriving the corporate government of the authority and influence it ought to possess, and of giving rise to continual struggles between the old corporators and old freemen, to set up their influence against the corporate government established under the new law, thus endangering the good order, quiet, and peace of the town, which it ought to be the first object of the House to secure in legislating on a subject of this kind. He would not now enter into the separate question of how far the pecuniary rights preserved by the tenth clause should be extended; notice of a Motion upon that point had been given by an hon. Gentleman then in the House, and he (Lord John Russell) would reserve his opinion upon it until that Motion was brought forward. He would merely state that the wish of the Government was to preserve all existing pecuniary rights. That was the principle of the tenth Clause; but if it could be shown that that principle ought to be extended beyond the provisions of that Clause, he should be ready to yield to conviction, and should think that instead of injuring he was rather improving that part of the Bill. The present, however, was a different proposition; it was a proposition to maintain—and to maintain for purposes most injurious—those old freemen whose rights, as a corporate body, were proposed to be abolished by this Bill. For his own part he acknowledged he should be disposed to say that the proposition made by the hon. Member for Newcastle in the early part of the Debate, to preserve the freemen for corporate purposes, would be the better proposition of the two. He thought the present proposition was one which would mutilate, if not destroy, the efficiency of the Bill; and he should, therefore, give it his most strenuous opposition. He felt quite sure that if the House were to consent to it, it would afterwards have reason to repent its not availing itself of so fair an opportunity of obtaining a full and efficient reform of Corporation abuses.

Sir *James Graham* would not detain the House one moment longer than was positively necessary; but, as his noble Friend had alluded so pointedly and personally to him, it was absolutely incumbent on him to say a few words. His noble Friend had rather insinuated that his advice would not be very agreeable to him (Sir James Graham). He could not return the compliment. He was, at all times, not only anxious to receive advice from his noble Friend, but he had been so long associated with him, and he esteemed him so sincerely, that even reproof from his noble Friend would never be received unkindly by him. His noble Friend said, he had observed, with surprise, his recent conduct, and the view which he had taken of public affairs since the passing of the Reform Bill. He thought his noble Friend would do him justice, when he said that, to the best of his ability, no colleague who sat by his side on the Treasury Bench during that eventful period supported the measure of Reform more strenuously, more firmly, more constantly than he did. He did so on a principle well known to his noble Friend —a principle avowed by the head of the Government under whom he and his noble Friend had served. The principle enunciated by Lord Grey on more than one occasion, was this — that he and his colleagues brought forward the measure of Reform in the representation of the people—extensive as he admitted it to be, great as even the supporters of it admitted it to be beyond their expectations—for one reason, and that reason was this, that because it was so extensive he sought to find a resting-place, whereon he might resist stedfastly, manfully, and constantly, all further change. He did not presume to say, that that understanding was binding on Parliament. He did not presume to say, that it was binding on that House; but on himself, as a man of honour, whilst he continued to take any part in the public affairs, he did consider it as binding as any obligation that a public man could take upon himself in the face of the nation. Those who had been his colleagues in Lord Grey's Government might take a different view of the subject, but upon that he had nothing to say. It was enough for him to be the guardian of his own honour and consistency, and thus he had been led to avow, distinctly and plainly, what was his view on the subject. His noble Friend had also stated, that he was astonished at the degree of alarm which he seemed to feel when certain Gentlemen, who were the noble Lord's opponents as well as his own, rose to express certain opinions. He admitted, that when he was a party to the introduction of the large measure of Reform to which he had referred, he did anticipate other changes as a natural consequence of it. For instance, he considered a Reform of the Church, as its necessary consequence; he still regarded it as such; but he did not anticipate then, nor would he support now, as a Reform of the Ecclesiastical Establishment, the alienation of the property of the Church, or the separation of the Church Establishment from the State. So, also, he had anticipated the necessity of Municipal Reform, and in the spirit of that anticipation had supported the second reading of the Bill then under consideration. Indeed, he was most anxious to give effect, not only to the principle, but to all the necessary details of that Bill. His noble Friend had asked him, if he considered this to be an indirect measure of Corporate Reform. He certainly was not so disposed to regard it. He looked upon it as a direct and complete measure of Municipal Reform, and it was on that ground that he had supported its principle; but he maintained, that there was one passage in it which had an indirect tendency, and that passage was contained in the Clause then under consideration. He maintained, that that part of the Clause was not germane to the Bill, and was not necessarily connected with it; in fact, that it was unnecessary, tending only to tamper indirectly with the representation of the people, as fixed by the Reform Bill. It was for this reason that he opposed it. The noble Lord had also said, he was rather astonished at his timid caution, when he heard the bold propositions made by their common opponents, the hon. Members for Southwark and Middlesex. He must confess, it was not the caution but the boldness of his noble Friend that astonished him, when he saw the measures into which he was hurried, not by his opponents, but by his supporters.

Sir *William Follett* expressed his readiness to acquiesce in the suggestion made by his right hon. Friend (Sir James Graham). Therefore, with the permission of the Committee, he would withdraw the amendment in the terms in which it then stood, for the purpose of introducing another amendment, embodying his right hon. Friend's suggestion.

Lord *John Russell* thought, that the course which the hon. and learned Gentleman now proposed to take, afforded a direct answer to the charge of indirectness which had been made by his right hon. Friend.

Lord *Sandon* defended the rights of the freemen, and contended that they were not the poor, wretched, degraded, demoralized set of beings which the hon. and learned Attorney-General had described them, nor were they persons whose rights the same learned authority had asserted to be a usurpation. He should like to know how that could be called a usurpation, the origin of which no lawyer could trace. The Attorney-General had said, that freemen were a class of voters who had been constantly guilty of corrupt practices, and that until they were entirely done away, there was no chance of getting rid of such practices. He appealed to any Gentleman in the House, who had a constituency of freemen, whether he was prepared to sanction this description of the character of freemen? He had himself seen something of that class of society, and although he knew that, under very strong temptation, they had been led astray—yet he also knew, that for the three last elections they had resisted every species of temptation, and had acted honestly. He looked with regret at the hard line that Gentlemen were inclined to draw between different classes in society. He should regret that men should feel that the mere possession of property would entitle them to share in municipal rights. It had always been the practice in this country for poor men to enjoy the privilege of municipal freedom. The Poor-law Bill had already been a severe blow on the feelings of the poorer classes. They could not, therefore, help looking with some degree of jealousy on the Legislature withholding from them that right which they had hitherto enjoyed for a long series of years. They would see that this House was becoming more and more the exclusive possession of the middle classes of society, while the rights and feelings of the lower classes would eventually altogether cease being represented in it. It was remarked, that the whole stress of the arguments adduced in support of the present Clause was, that it would be an improvement of the Reform Bill, and would correct the error formerly committed in prolonging the right of the freemen to vote for Members of Parliament. The Clause, therefore, was not proposed merely as being incidental to Corporation Reform, but with a view to destroy the rights which the freemen enjoyed under the Reform Bill. He hoped the House would not be induced to make this first invasion of that measure, which was declared to be a final measure by the very men who were now endeavouring to invade it.

Mr. *Robinson* rose amidst loud cries of "Divide, divide!" He was the representative of a large body of those freemen whose interests were attempted to be invaded by this Bill in a manner to which he felt himself bound to offer the most decided opposition. He ventured to assert, that the noble Lord at the head of his Majesty's Government would not dare to attempt to do by a direct measure, that which he was attempting to do indirectly by a proposition to reform the Municipal Corporations of this country. The noble Lord proposed, in a measure ostensibly having for its object the reform of Municipal Corporations, to deprive persons of the privilege which they now enjoyed of returning Members to this House. Now, he asked the noble Lord, who was a party to the Parliamentary Reform Act, which the Government of Lord Grey declared to be a final measure, whether he would venture to come forward, in the face of this House and of the country, to propose a measure for disfranchising existing freemen of the right of voting for Members of Parliament.

Lord *John Russell* begged to say, in answer to the question put to him by the hon. Gentleman, that the hon. Gentleman did not seem to understand the object of this Clause. Its object was not to deprive existing freemen of the right of voting for Members of Parliament. He thought the clause was already sufficiently clear upon this point; otherwise he would propose the insertion of words that should expressly say, that all existing rights of freemen to vote for Members of Parliament should be preserved. But according to his construction of the Clause, the insertion of any such words would be totally unnecessary. The House would permit him to explain what the nature of the Clause really was. The proposal of his Majesty's Ministers was this:—that all Corporate bodies should in future consist of burgesses who were rate-payers, according to the 6th section of this Bill; and that there should be no other burgesses or freemen whatsoever. Therefore, after the existing lives of freemen were extinct, there certainly would not be any freemen in any borough who would have a right to vote for Members of Parliament.

Mr. *Robinson* understood the object of the Bill perfectly well. He was not complaining that existing freemen would be deprived of the right of voting for Members of Parliament; but what he complained of was, that the descendants of those freemen having *inchoate* rights to be freemen, were attempted to be deprived of that right of voting. He considered it a most disingenuous course of proceeding on the part of any Minister, or any Cabinet whatever, to do that which the noble Lord and his colleagues were now doing. The noble Lord himself just now admitted, that he and his colleagues of Earl Grey's Government assented somewhat reluctantly to the admission of the rights of freemen under the Reform Bill, and that they did so because he considered it would smooth the passage of that Bill through Parliament. The House was to understand, then, that the noble Lord's political morality consisted in this—that a Minister might state that he was willing to consent that certain rights should be preserved in order to get a Bill through both Houses of Parliament, and then having obtained that object, he might two years afterwards, come down to this House and endeavour to throw those very rights overboard. He cared not to what misrepresentations his conduct might subject him, but he never would be a party to proceedings that were alike disingenuous and dishonourable. He should like to have asked the learned Attorney-General, if he had been in his place, whether those acts of usurpation, of which he had so loudly complained, were not known at the time of passing the Reform Bill as well as they were now? He denied altogether the corruption attributed solely to the freemen. He believed it was proved before the Ipswich Committee, that the larger portion of persons bribed were 10*l.* householders, and not freemen. But he should like to ask the noble Lord, upon what principle it was that he was so earnest in preserving the rights of another set of persons, whose claims could not be put in competition with those of the freemen of Corporations —he meant the rights of those persons whose names were on the Pension-list. How tender were the feelings exhibited by the noble Lord for the rights of individuals on that occasion. In conclusion, he thought that this clause would do more to shake public confidence in the proceedings of this House than any other measure that had been brought forward since he had had the honour of a seat in Parliament.

Mr. *Charles Buller* said, some Gentlemen had complained that this Question was not brought forward in a proper and direct manner; but, for his part, he could not understand how there could possibly be any equivocation in the course adopted. Was there any reason why his Majesty's Ministers should endeavour to carry their object in an indirect manner; and even if they desired to do so, what possible hope was there that they would escape the vigilance of those alert advocates whom they now saw so earnestly vindicating the poor man's rights—rights so justly dear to him? There could be no motive, then, for Ministers to make such an attempt; and, certainly, the discussion which they had this night heard, proved that such an attempt would have been most monstrous indeed. These freemen were the worst features of our Representative system, and were a curse upon the new constituency. He could not refrain from expressing his surprise at the doctrines which had been advanced by noble Lords and hon. Gentlemen on the other side. He must confess that he began to feel great alarm for the stability of the Monarchical institutions of this country, when he observed the democratic tone which those noble Lords and hon. Gentlemen sometimes took. He thought that if the limited Monarchy of this empire should be superseded by a democratic Republic, it would be occasioned by the bidding which those noble Lords and hon. Gentleman seemed so much disposed to make for the sake of a little temporary popularity. When he heard the noble Lord (the Member for Liverpool) speaking of the rights of the poor man, he was reminded of the time when he first had the honour of a seat in Parliament. He used then to hear Mr. Hunt (the Member for Preston) advocate the poor man's rights. That hon. Member sat where the noble Lord was now seated; and the language which the noble Lord had this night used, when claiming for these poor men the right to vote, was exactly the language which Mr. Henry Hunt was wont to use in support of Universal Suffrage. Freemen were more open to corruption than any other class of voters; and he would refer to the evidence taken before the Municipal Corporation Commissioners in support of this proposition. In one borough it had been the usual practice to chalk up the price of a vote on the shutters of the Committee-rooms. In another place the candidates used openly to give 15*l.* and a pig for a vote; and the pig was paraded in the streets, decorated with the colours of the candidates who gave it. ["*Name, name!*"] He was exceedingly sorry to disappoint hon. Gentlemen by not naming the places; but he begged to refer them to the four volumes of evidence which were accessible to all

[" *Name, name!*"]. If he were obliged to name the places, he would say that one of them was Nottingham and the other Maidstone. But while he mentioned these two names, he begged to say that there were three other instances of corrupt practices, of a much more remarkable character; he alluded to Norwich, Ipswich, and Oxford. [The hon. Member quoted from the Report of the Corporation Commissioners several specimens of the misbehaviour of the freemen, and then continued.] Were these men, he would ask, to be intrusted with the franchise? Could it be said that this House would be infringing on the purity of the constitution by touching the rights of such voters as these? He called upon the House to take away this franchise, even on account of the freemen themselves, whom it degraded, demoralized, and impoverished. But it was said, that a compact had been made at the passing of the Reform Bill, by which the rights of freemen were to be preserved. If any such compact had been made, let the parties with whom it was made come forward and claim their bond. Let the House of Lords, if the compact were with them, state that the only condition on which they agreed to the Reform Bill was, that a particular class of voters should be kept up, who could be corrupted by the money of the aristocracy. Yes; he would repeat, corrupted by the money of the aristocracy. Let not the House suppose that this zeal to preserve the rights of freemen sprung purely out of regard to the poor man's rights. No; this House—the country at large—could perceive that the only reason this cry was raised was, that the aristocracy might preserve the rights of men whose franchise they could purchase.

Captain *Berkeley* was bound to say on behalf of those whom he represented, that if the Clause were carried, one half of his constituents would be at once disfranchised, they being too the very class of persons on whom the franchise was conferred only two years ago. He should vote for the Amendment for the very reason which had been stated by the noble Lord the Member for Stroud, Lord John Russell—namely, that these freemen were allowed to retain their franchise under the Reform Bill for the mere purpose of enabling the then Government to conciliate, and to bring that Reform Bill to a successful termination. As this argument was urged when the Reform Bill was introduced, and as he saw no reason for depriving the very same class of persons of their franchise now, he should support the Amendment.

Lord *Stanley* said, that his right hon. Friend, the Member for Cumberland (Sir James Graham) had been charged with unfairness, in stating that the Clause indirectly accomplished an object which it sought to conceal. He (Lord Stanley) complained of it as an indirect mode of proceeding, for this reason, that the Bil now before the House professed to be a measure for the regulation of the Municipal Corporations of England and Wales. An hon. Gentleman who had just now spoken, following the example of other hon. Members of that House, had calumniated, he would venture to say, the great body of the freemen of this country. Now he did not mean to contend that the freemen, as a class, had been or perhaps were either pure or immaculate, but then he believed that no body of electors in the world was absolutely so; and this he would say, that be they as pure as perfection itself, or be they as foul and as base as they were represented to be even by the hon. and learned Attorney-General—be they altogether and exclusively fit to exercise electoral functions, or be they wholly and utterly incapable to exercise even the lowest of those functions, to those functions the present measure did not propose to admit them; from those functions it did not propose to exclude them. They were not now called upon to discuss the propriety of admitting them to exercise political functions. The question merely was, their fitness as a Municipal body. Then what became of the great and grave objection which had been urged against the class of voters coming under the denomination of freemen? Why, the objection after all merely amounted to this—that they were unfit to exercise a franchise which was not sought to be conferred upon them by this Bill for political purposes, but a franchise they were permitted to retain by another Bill for other purposes; that other measures forming no part of the present discussion. He stood upon the plain and simple ground that the rights of the freemen were solemnly guaranteed, as his noble Friend had said, to secure the passing of the Reform Bill. If that measure of Reform were now sought to be rescinded, the fair and manly course was to come down to that House and move its being rescinded by a separate and definite measure; not for the ostensible purpose of conceding or taking away Municipal rights but avowedly for the purpose of again dealing with the franchise. His grounds of objection to the Clause as it stood, and his reasons for adopting in preference the Amendment which had been moved, were simply these—that what his Majesty's Government proposed to do was unnecessary for the object they professed to have in view; that it was unjust, inasmuch as it was in direct opposition to their own solemn guarantee given two years ago, and if they sought to do away with that guarantee they ought to have done so directly by a political measure—not indirectly and by a municipal one.

Colonel *Sibthorp*, amid confusion, expressed his opinion that hon. Gentlemen opposite were afraid to hear the truth. He should be wanting in his duty to his constituents, if he could hear the Attorney-General abuse the freemen, as the curse of the country, and denounce the body corporate as a degraded and wretched race of people, without declaring the astonishment as well as the disgust, with which he had heard such a declaration from an individual holding a high and important station in the House, and one whose transactions were always marked by liberality, candour, and decency. The hon. Member for Liskeard (Mr. C. Buller) had looked upon that side of the House, and talked about the noble Lord (Sandon) being favourable to democracy. How came hon. Members upon that side of the House? Did they not vote against the rotten boroughs, as being an aristocratical part of the constitution? It was to the democracy they looked for their seats; and he thought that, to be consistent, those Gentlemen ought to be the very last to deprive that body of their rights to vote [*great confusion; loud cries of Divide, Adjourn, Oh! Oh!*] hon. Members would only detain themselves the longer. He was aware that that was the system of many Members on that side of the House, he had no desire to strain his voice to the wind; he rose merely for the purpose of protesting against the propriety of those observations of the Attorney-General; he considered they were unworthy of his dignity and his station, and proved the obligation of the people to the Ministry of the Reform Bill, who came against them with such a Clause as that which had just been decided, and declared that such a course as the present would never reconcile the people to a Reforming Admnistration.

Mr. *Winthrop Praed* said, that although in fact this Amendment upon which the Committee were about to divide, was precisely similar to one of which he had given notice, he had not yet addressed to the House one single observation in reference to it. He did not then mean to trespass upon the patience of the House, and he should only claim the privilege of asking the noble Lord one question. The House would bear hardly upon him if this privilege were denied him, considering that on the Amendment which he first introduced into the Committee on the preceding night he had hitherto been prevented from speaking. The hon. Member for Derbyshire (Mr. Gisborne) was in a great measure the cause of this, as he had held out a threat that upon his Amendment he should ground a Motion relative to the freemen in Yarmouth. The question which he wished to put was, whether the names of the freemen whose rights it was proposed to continue, so far as regarded the election of Members of Parliament, were to be entered in the burgess roll, or in a separate list?

Lord *John Russell* replied, that with respect to the existing freemen, it was only necessary that their names should be enrolled upon a register, and continued upon it as long as they lived, according to the precedent of the first Reform Act. No new names would be entered on the register, and no difficulty, he imagined, could arise.

Mr. *Winthrop Praed* suggested, that in that case the same machinery which was used with respect to the existing freemen might be applied to more remote rights.

Lord *John Russell* was of opinion that the same machinery could not be applied to them, inasmuch as they could not be so easily ascertained.

Mr. *Gisborne* rose to explain the circumstances upon which the hon. Member for Yarmouth (Mr. Praed) had referred. A petition from Yarmouth having been put into his hands for presentation, he, according to the rules of courtesy, informed the hon. Member of his intention to present it, and at the same time to make a statement in reference to certain transactions in the late elections for that borough. When he did present the petition the Speaker said there could be no discussion, and, therefore, he withheld his statement rather than make it without giving the hon. Member an opportunity to reply. He then gave notice that he should make the statement when the hon. Member for Yarmouth brought forward his Amendment. That the hon. Member never introduced, but delivered it over to the care of the hon. and learned Member for Exeter (Sir W. Follett). As the petition had nothing to do with the constituents of the late Solicitor-General he again refrained from making his statement. The Motion of the hon. and learned Member (Sir W. Follett) was, however, quite different to that of the hon. Member for Yarmouth. [Mr. *Praed:* It is expressed in the very same terms.] It certainly was not so in the first instance, and he did not feel called upon to intrude on the debate. He never made a threat, but merely, out of courtesy, gave notice to the hon. Member of his intention to make a statement relative to his borough.

Mr. *Winthrop Praed* felt it necessary to give a further explanation, as the hon. Member had not stated the whole of the circumstance. The hon. Member did announce to him that he intended to make a statement respecting the Yarmouth election, but when he presented his petition he postponed his statement till the House went into Committee. Finding that his hon. Friend, the Member for Exeter, had on the notice paper a Motion precisely the same as his he gave him precedence, and he fully expected that the hon. Member for Derbyshire would afterwards make his statement. He never conceived that the hon. Member was waiting for him personally; it was he Mr. Praed, undoubtedly, who was the waiting party.

Mr. *Arthur Trevor* expressed his disgust at the foul charges which had been made against a body of men, who were condemned without a hearing.

Mr. *O'Connell* hoped he might also express his belief, without the appearance of egotism, that he was a true prophet. He had declared his conviction on the preceding night, that so much affection had been expressed for the principle of the Bill as would ultimately very nearly destroy its most valuable provisions; and he really thought his prophecy would be pretty well accomplished if the Amendment were agreed to. He was really astonished at what had fallen from the noble Lord, the Member for Lancashire, and from the right hon. Baronet, the Member for Cumberland. Before the passing of the Reform Bill there existed two species of franchise; that arising from property, and that arising from municipal rights. By the first Reform Bill the franchise arising from municipal rights was considered so inconsistent with the principles of Reform, that it was entirely abolished. To that first Reform Bill the noble Lord and the right hon. Baronet were both parties, and yet these were most valuable rights—most solemn privileges now; and they heard talk of disfranchising a considerable portion of the people of England. Why, what had been the improvement in these freemen since the introduction of the first Reform Bill? —what increase of knowledge had they displayed, or what greater sense of the importance of the function vested in them had they evinced? They had not done themselves any very great honour before Committees of that House, and in addition, the Report of the Corporation Commission, distinctly charged them with having been guilty of the grossest and vilest corruption. The right hon. Baronet had said, that the ground on which the provisions of the Reform Bill were made so extensive was, that it should not be necessary to increase or extend those provisions at a future period, When was this declaration made to which the right hon. Baronet adverted? When, but at the time of the opening speech on the first Reform Bill—when, but at the very time when these rights were absolutely annihilated. [Lord *Stanley:* It was said by Lord Grey in 1834.] It was said in this House in 1831, and the Minister who brought forward the Reform Bill expressly stated that the Ballot and the shortening the duration of Parliaments were open questions. The noble Lord, the Member for Liverpool, had talked in most patriotic and sympathizing terms of the rights of the poor. Would the noble Lord who was so anxious to preserve those rights unimpaired consent to diminish the amount of the elective qualification from 10*l.* to 5*l.* If the noble Lord would do this, he would be content to give him some credit for his sincerity; but knowing, as he did, how convenient it was, not of course to the noble Lord, but to others, that freemen should be bought and sold, he could not give him any very great credit for his wish to preserve the poor freemen. In fact he considered the support of such men was no evidence of a desire to extend the franchise. [Lord *Sandon:* I never expressed any such desire.] He had never accused the noble Lord of any such desire, because a large addition to the number of voters would defeat the ends for which a small body of freemen were stickling. Now, let him ask, what was to be the nature of this franchise? Not a municipal franchise, for it was excluded from the corporation, and it was certainly not a franchise of property. It was a nondescript kind of manufacture fashioned by the noble Lord (Lord Stanley) and the right hon. Baronet (Sir James Graham), probably for the purpose of perpetuating the Reform Bill. It was once excluded from the Reform Bill as something foreign to the Constitution. Were they to keep up this anomaly—to protect men who confessedly were beings of bargain and sale. He insinuated no motives—he charged no purposes. Why? Because it was not necessary for him to do so. They had heard of a bargain. A bargain! With whom? Was that bargain made with the other House—was it a bargain with the House of Peers? What had the House of Peers to do with the representation of the people in that House? Talk to him of preserving the Constitution, and of constitutional principles; and tell him, in the same breath, of a bargain made with the House of Peers! They extorted from that House their nomination boroughs, in order to give the people the right of representation; and what were they told now? Why, it seemed a bargain had been made with that same House of Peers, that they should retain a portion of their power through the instrumentality of those very freemen; and the object and effect of the Amendment was to give the Peers—not a direct power of nomination—but an indirect power of nomination by means of the grossest bribery and the worst corruption. The object of retaining these freemen was, to have nomination boroughs indirectly. The hon. and learned Gentleman opposite thought he had got over a great difficulty, but he had altogether failed. He alluded to the situation in which those voters would be whose rights were preserved. These were not to be members of the corporate body in future, and there was no arrangement for ascertaining their right of freedom, their servitude, or their right of marriage. The hon. and learned Gentleman fancied he had drawn the noble Lord into a dilemma, by asking him how he meant to keep up the rights of the present freemen. The answer was obvious—by going before the Barrister, and showing their right of continuing it. But how could those who were to be entitled only to vote for Members of Parliament show their right? It was said, that this was an indirect mode of getting rid of the freemen, although the great complaint was, that it was direct enough. But they who really acted indirectly were the professed lovers of the Bill, who resorted to this method of getting rid of the best parts of the Bill—of weakening its provisions—of degrading it in the eyes of the community—and converting a harbinger of peace into a fruitful source of dissension. The hon. Member for Southwark had had more than one argument raised by others on what he stated as to the effect of the Amendment being to create a new species of Corporate right, which would hold out an incitement to the people to make it a basis of Parliamentary Representation. The House was told to retain the freemen on account of his having used that argument. But let hon. Gentlemen, on the opposite side, consider that the preservation of this right to the freemen would act as a stimulant to every burgess paying taxes to demand the right to vote, and thus the necessity for a further reform would be increased. The hon. Member concluded, by calling on the House to reject the Amendment.

The Committee divided on the original Clause; Ayes 278, Noes 232: Majority 46.

List of the AYES.

Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Andover, Lord
Angerstein, John
Attwood, Thomas
Bagshaw, John
Baines, Edward
Bainbridge, E. T.
Bannerman, A.
Barclay, David
Barham, John
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Bellew, Sir. P. Bart.
Baldwin, Dr.
Biddulph, Robert
Bish, Thomas
Blackburne, John
Blake, M. J.
Blamire, W.
Blunt, Sir C. R.
Bodkin, John James
Bowring, Dr.

Brabazon, Sir W. J.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Bulkeley, Sir R. B. W.
Buller, E.
Buller, C.
Burdett, Sir Francis
Butler, Hon. Pierce
Buxton, T. F.
Byng, G.
Campbell, Sir J.
Carter, J. B.
Cavendish, Hon. C.
Callaghan, D.
Cayley, E. S.
Chalmers, P.
Chapman, M. L.
Chichester, J. P. B.
Clay, William
Clements, Viscount
Clive, E. B.
Cockerell, Sir C. Bart.
Codrington, Sir E.
Colborne, N. W. R.
Cowper, Hon. W. F.
Crawford, W.
Crawford, W. S.
Crawley, S.
Crompton, S.
Curteis, Herbert B.
Curteis, Edward B.
Dalmeny, Lord
Denison, J. E.
Denison, W. J.
Dennistoun, A.
Divett, Edward
Dobbin, L.
Donkin, Sir R. S.
Duncombe, T. S.
Dundas, Hon. J. C.
Dundas, Hon. T.
Dunlop, Colin
Dykes, F. L. B.
Ebrington, Lord
Edwards, Col.
Ellice, E.
Elphinstone, H.
Euston, Lord
Evans, Col.
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fellowes, Hon. N.
Fergus, J.
Ferguson, R.
Fergusson, Rt. Hon. C.
Finn, W. F.
Fitzsimon, Christopher
Fitzsimon, Nicholas
Folkes, Sir W. J. H. B.
Forster, C. S.
Fort, J.
French, F.
Gaskell, D.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Goring, H. D.
Grattan, J.
Grey, Hon. Charles
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Gully, John
Hall, B.
Hallyburton, Hn. D. G.
Harland, W. C.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hay, Col. Leith
Heathcote, G. J.
Heathcote, R. E.
Hector, C.
Heneage, Edward
Hindley, C.
Hobhouse, Rt. H. Sir J.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howard, R.
Howick, Viscount
Humphery, J.
Hurst, R. H.
Hutt, W.
Johnston, A.
Kemp, T. R.
Kerry, Earl of
King, E. B.
Labouchere, H.
Lambton, H.
Langton, W. G.
Leader, J. T.
Lefevre, C. S.
Loch, J.
Locke, W.
Long, W.
Lushington, C.
Lushington, Dr.
Lynch, A. H. S.
Mackenzie, J. A. S.
Macleod, R.
Macnamara, Major
M'Cance, John
M'Taggart, J.
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, W.
Martin, T. B.
Maule, Hon. Fox
Maxwell, J.
Methuen, P.
Milton, Viscount
Molesworth, Sir W.
Moreton, Hon. A. H.
Morpeth, Viscount
Morrison, J.
Mostyn, Hon. E. L.
Murray, J. A.
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, W. S.
O'Brien, Cornelius
O'Conor Don
O'Connell, M. J.
O'Connell, Daniel
O'Connell, Morgan
O'Connell, Maurice
O'Connell, John
O'Dwyer, A. C.
O'Ferrall, R. M.
Oliphant, L.
Ord, W. H.
Oswald, J.
Paget, F.
Palmer, General
Palmerston, Lord
Parker, J.
Parnell, Sir H. B.
Parrott, J.
Pattison, J.
Pease, Joseph
Pendarves, E. W.
Pepys, Sir Charles C.
Perrin, L.
Phillips, G. R.
Phillips, M.
Phillipps, C. M.
Pinney, W.
Ponsonby, W.
Ponsonby, Hn. J. G. B.
Potter, R.
Poulter, J. S.
Power, P.
Power, J.
Poyntz, W. S.
Price, Sir Robert
Pryme, G.
Pryse, Pryse
Ramsbottom, J.
Ramsden, J. C.
Rice, Rt. Hon. T. S.
Rippon, C.
Robarts, A. W.
Roche, William
Roche, David
Roebuck, J. A.
Rolfe, R. M.
Ronayne, D.
Rundle, John
Russell, Lord
Russell, Lord John
Russell, Lord C. J.
Ruthven, E. S.
Ruthven, Edward
Scholefield, J.
Scrope, G. P.
Seale, Col.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Sheldon, E. R. C.
Smith, Benjamin
Smith, J. A.
Smith, R. V.
Smith, Hon. R.
Speirs, A. G.
Speirs, Alexander
Steuart, R.
Strickland, Sir George
Strutt, E.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, R.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talfourd, T. N.
Tancred, H. W.
Thomson, C. P.
Thorneley, T.
Tooke, W.
Townley, R. G.
Tracey, C. H.
Trelawney, Sir W. L.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. J. K.
Villiers, C. P.
Vivian, Major
Vivian, J. H.
Walker, C. A.
Walker, R.
Wallace, Robert
Walter, John
Warburton, H.
Ward, H. G.
Wemyss, J.
Westenra, Hon. H. R.
Westenra, Hon. Col.
Whalley, Sir Samuel
White, S.
Wigney, Isaac N.
Wilbraham, G.
Wilde, Sergeant
Wason, R.
Wilks, J.
Williams, Sir John
Williams, W. A.
Winnington, Sir T.
Winnington, Capt. H.
Wood, C.
Wrightson, W. B.
Wrottesley, Sir John
Wyse, Thomas

TELLER.

Stanley, E. J.

List of the NOES.

Alford, Lord
Arbuthnot, Hon. H.
Ashley, Lord
Ashley, Hon. A.
Bagot, Hon. William
Bailey, J.
Baillie, Col. H.
Balfour, J.
Barclay, Charles
Baring, Thomas
Baring, H. Bingham
Baring, W. B.

Baring, Francis
Barneby, John
Bateson, Sir R.
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Berkeley, Hon. C. F.
Bethell, Richard
Blackburne, J. J.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bonham, F. R.
Borthwick, Peter
Bradshaw, J.
Brownrigg, J. S.
Bruce, Lord E.A.C.B.
Bruce, C. L. C.
Buller, Sir J. B. Y.
Burton, H. P.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Castlereagh, Viscount
Chandos, Marquess of
Chaplin, Thomas
Charlton, E. L.
Chichester, A.
Chisholm, Alexander
Clive, Hon. R. H.
Cole, Hon. A. H.
Compton, H. C.
Cooper, E. J.
Coote, Sir C. C. Bart.
Corbett, T. G.
Corry, Hon. H. T. L.
Crewe, Sir G. Bart.
Dalbiac, Sir C.
Damer, G. L.
Darlington, Earl of
Davenport, John
Dick, Quintin
Dottin, A. R.
Dowdeswell, W.
Duffield, T.
Dugdale, D. S.
Duncombe, Hon. A.
Duncombe, Hon. W.
Durham, Sir P. C. H.
East, J. B.
Eastnor, Viscount
Egerton, W. T.
Egerton, Sir P. de M.
Egerton, Lord Francis
Elley, Sir J.
Elwes, J.
Estcourt, T. G. B.
Fancourt, C. St. John
Fector, J. M.
Ferguson, G.
Ferguson, Sir R. C.
Finch, G.
Fleetwood, P. H.
Fleming, J.
Foley, E. T.
Follett, Sir W. Webb
Forbes, W.
Forester, Hon. G. C. W.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, Thomas
Gladstone, W. E.
Gordon, W.
Gore, Wm. Ormsby
Goulburn, Rt. Hon. H.
Graham, Sir J. R. G.
Greene, T.
Greisley, Sir R.
Greville, Sir C. J.
Grimston, Viscount
Grimston, Hon. H. E.
Halford, H.
Halse, J.
Hamilton, Lord C.
Hanmer, Henry
Harcourt, G. G.
Hardinge, Sir H.
Hardy, J.
Hawkes, Thomas
Hay, Sir J. Bart.
Hayes, Sir E. S. Bart.
Herbert, Hon. Sidney
Herries, Rt. Hon. J. C.
Hill, Lord Arthur
Hogg, J. W.
Hope, Hon. James
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Hoy, J. B.
Hughes, Hughes
Inglis, Sir R. H. Bart.
Ingram, R.
Irton, S.
Jackson, J. D.
Jermyn, Earl of
Jervis, John
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, T.
Jones, W.
Kearsley, J. H.
Kerrison, Sir Edward
Knightley, Sir C.
Knight, H. G.
Lawson, Andrew
Lefroy, Anthony
Lennox, Lord A.
Lewis, Wyndham
Lincoln, Earl of
Longfield, R.
Lopes, Sir Ralph
Lowther, Lord
Lowther, J.
Lowther, Hon. H. C.
Lushington, S.
Lygon, Hon. Col. H. B.
Mackinnon, W. A.
Maclean, Donald
Mahon, Lord
Mandeville, Viscount
Manners, Lord Robert
Marsland, T.
Martin, J.
Mathew, Captain
Maxwell, H.
Meynell, Henry
Miles, W.
Miles, P. J.
Mordaunt, Sir J. Bart.
Neeld, Joseph
Neeld, J.
Norreys, Lord
Ossulston, Lord
Owen, Hugh
Palmer, R.
Parker, M. N.
Patten, J. W.
Peel, Sir R. Bart.
Peel, Col.
Peel, Rt. Hon. W. Y.
Peel, Edmund
Pelham, J. C.
Pemberton, T.
Perceval, Col.
Pigot, R.
Plumptre, J. P.
Polhill, Frederick
Pollen, Sir J. Bart.
Pollington, Viscount
Praed, J. B.
Praed, W. M.
Price, S. G.
Price, R.
Pringle, A.
Pusey, Philip
Rae, Sir Wm. Bart.
Reid, Sir J. Rae
Richards, J.
Rickford, W.
Ridley, Sir M. W.
Robinson, G. R.
Ross, Charles
Rushbrook, R.
Russell, Charles
Sanderson, R.
Sandon, Lord
Scarlett, Hon. R. C.
Scott, Sir E.
Scourfield, W. H.
Shaw, F.
Sheppard, T.
Sibthorp, Col.
Sinclair, G.
Smith, A.
Smyth, Sir G. H. Bart.
Somerset, Lord E.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, Sir M. S. Bt.
Stewart, P. M.
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Col.
Thompson, Col.
Thompson, W.
Trench, Sir Frederick
Trevor, Hon. G. R.
Trevor, Hon. Arthur
Twiss, H.
Tyrrell, Sir J. T. Bart.
Vere, Sir C. B. Bart.
Verner, Col.
Vernon, Granville H.
Vesey, Hon. Thomas
Vivian, J. E.
Vyvyan, Sir R. R.
Wakley, T.
Wall, C. B.
Walpole, Lord
Welby, G. E.
Weyland, R.
Whitmore, T. C.
Wilbraham, Hon. R.
Williams, William
Williams, Robert
Williams, T. P.
Wodehouse, H.
Wood, Thomas
Wortley, Hon. J. S.
Wyndham, Wadham
Wynn, C. W.
Yorke, E. T.
Young, J.
Young, G. F.
Young, Sir W. L.

TELLER.

Clerk, Sir G. Bart.

Paired Off.

Archdall, Mervyn
Berkeley, Hon. G. C.
Browne, Dominick
Brudenell, Lord
Campbell, W. F.
Cole, Viscount
Eaton, J.
Feilden, W.
Fremantle, Sir T. F.
Geary, Sir W. R. P.
Hume, Joseph
Knatchbull, Sir E.
Owen, H.
Smyth, Sir H.
Tynte, Col.

Amendment rejected.

The question being put, That the Clause stand part of the Bill,

Mr. *Arthur Trevor*, amidst loud manifestations of impatience, rose to address the House. He could not help thinking that the decision which the Committee had just come to, was one which could not fail to carry with it a very powerful effect throughout the country. [*Loud Cheers from the Ministerial side.*] Hon. Members opposite might cheer, but he wanted to know whether their cheers would be redoubled when he told them that the Clause would show the country what the professed friends of Reform were capable of, show them in their true colours, and show it that those who professed to uphold the rights of the people were the very persons who, in a most confounded and unfair manner, invaded the rights of a body of men, whose origin even the antiquarian researches of the Attorney-General, had not enabled him to trace. [*Uproar, and cries of* "*Adjourn,*" "*Spoke.*"] Gentlemen might be assured that he was not to be put down by noise and clamour. He was doing his duty as an independent Member, and he would explain his vote. He would not detain the House longer than necessary, but he protested against the system of putting down Gentlemen merely because they differed from hon. Gentlemen opposite in their opinions. In any vote he gave in that House, he was as much accountable to his constituents as any hon. Member opposite, and he would never see the right of a body of men who had never done aught to render them deserving of the imputations which had been fixed upon them by that decision taken away without to the utmost of his power resisting. Let him ask hon. Members opposite what had that body which it was too much the fashion to decry—what had they done? Why did not the noble Lord, the Home Secretary, come down with a Bill to amend that part of the Reform Act which related to the freemen with this preamble. "Whereas certain gross corruptions have been proved against this body of men, therefore they shall no longer retain their franchise at all." Let him ask hon. Members opposite, could they hope to retain that popularity, aye, and mob popularity of which they had always been so proud. ["*Oh, oh!*" *and great interruption.*] Clamour might prevail for awhile, but the public would show that there was such a thing as common sense and common justice, and a feeling that there ought to be those there who would protect the rights of the poor as well as the rich, and let hon. Members know in what light they were viewed throughout the country. He had the honour to present a petition yesterday, signed by numbers of his constituents, deprecating that invasion of their rights, not one of whom would not, if necessary, appear before the House, and court the strictest investigation. Were they to be brought round by the pitiful arguments of the bribery which had been discovered at Ipswich, Norwich, and other place, foreign to every principle of justice? Were not equal excesses to be found among other classes of persons which hon. Members on that side took good care to suppress? All he could say was, that if that Clause passed the Committee, there was an end to all security for property, and the success of that Clause would constitute that House the executioners of fraud and violence. [*Uproar.*] Hon. Members would only be detained longer: he was determined not to be put down. Hon. Members could not establish the facts which they pretended to believe, that the freemen were that wretched race of beings which his Majesty's Attorney-General represented them to be. He hoped he was not the representative of such a large body of freemen, as he could not force them under such circumstances, and he hoped for their sakes, that there were not many hon. Members opposite similarly situated. The proceedings of the House that night would not pass unheeded. Let him add, that it was nothing more nor less than as great a measure of spoliation, as if a decree from the House was to take the tithes from the lay-impropriator of Woburn Abbey. He should always deem the Clause as most unjustifiable. It was taking away the rights of a body of men merely because they were unfortunate, and if it were to pass finally into a law, it would be positively a disgrace to jurisprudence. They were nominally the guardians of the public, but they were acting little better than plunderers. [*Great confusion.*] If he had strength equal to his feelings, he would go on much longer, but he would not trespass longer on the House. Whatever might be the result of his effort, if he stood alone, he would quit the House with the proud satisfaction of having done his duty; of having pleaded the cause of justice and of truth, the cause which it was the bounden duty of British Senators to uphold. He begged to move, "That the Clause be expunged."

Mr. *Hughes Hughes* said, that at that late hour, and after so lengthened a discussion on this Clause, he might not have troubled the Committee but for some observations of the hon. and learned Member for Liskeard (Mr. C. Buller) upon the freemen of the city which he had had the honour of representing in that House for four succeeding Parliaments. But he conceived he should be altogether unworthy of the honourable station in which his constituents had placed him, if he omitted to declare that the attack of the hon. and learned Gentleman was altogether unjustifiable; and that, returned to that House as he (Mr. Hughes Hughes) was at the last election by a number of votes considerably greater than ever before polled for a candidate at any election of Members for Oxford, he was also returned at a less expense than any former Representative of that city after a contested election. The freemen of Oxford were entitled in themselves, and to hand down unimpaired to their posterity, many valuable privileges; among others, he might mention rights of Common and pasture upon a track of land adjoining the city, 476 acres in extent, upon which the poorer class of freemen were in the habit of grazing cattle—rights of fishing of considerable advantage—freedom from toll throughout all England—and a variety of charitable bequests, to be distributed by way of gift or loan in favour of freemen, their children, and widows, to some of which he had already that evening taken occasion to allude. Now, of all these, after a hard and successful struggle for their preservation, in which he (Mr. Hughes Hughes) took an active part during the discussions under the Reform Bill, together with the still more valuable privilege of the elective franchise, considered to have been perpetuated by it, this iniquitous clause sought to deprive all but the present holders, and that, too, without establishing any charge whatever of corruption against them. The noble Lord, the Secretary of State for the Home Department, had indeed told the House, that when the evidence taken before the Ipswich Election Committee should be laid upon the Table (and it was promised to-morrow) that such an exposure of bribery and corruption, on the part of freemen, would be made as fully to justify their disfranchisement, or at any rate the extinction of that class of voters for the future; and the hon. and learned Member for Liskeard had also adverted to the case of the freemen of Ipswich. Now it had been his misfortune to sit for forty-one days on that Committee, of which, he believed, he had not been an inattentive or inactive Member, and he would boldly challenge the noble Lord, and the hon. and learned Gentleman, to make good their statements from the printed evidence. To almost every witness who appeared before the Committee to establish a case of bribery, he had himself put the question whether the party charged with that offence voted as a freeman or a 10*l.* householder, and he was sure the evidence would bear him out in the assertion, that if there were six of the one class there were half a dozen of the other, so that even the Ipswich case would not furnish an argument in favour of the proposed enactment, which he did not hesitate to denounce as one of spoliation and robbery.

Lord *John Russell* said, that the Committee had been the whole night discussing this and another Clause, and he thought it had been quite sufficiently considered. The only question then before them was, whether they should adopt the Clause or not? He should, for his part, consider it his duty to press the Committee to dispose of it.

Mr. *Winthrop Praed* would put it to his hon. Friend whether he could hope for a reversal of the decision to which the Committee had already come?

Mr. *Trevor* withdrew his Motion; he would repeat it upon the bringing up of the Report.

The Clause was agreed to.

The House resumed, the Committee to sit again to-morrow.

ECCLESIASTICAL COURTS.] The *Attorney-General* moved for leave to bring in a Bill to alter the law with respect to the Ecclesiastical Courts.

Colonel *Sibthorp* opposed the Motion in consequence of the lateness of the hour. It appeared to him that there was something like a collusion between the late and the present Attorney-General with respect to the Bill on this subject.

The *Attorney-General* remarked that the Bill had been recommended by a Commission, of which the Ecclesiastical Judges were members, and, therefore, it could not be considered a measure of a party.

Leave given.

HOUSE OF LORDS,

Wednesday, June 24, 1835.

MINUTES.] Bills. Read a second time:—Prisons Regulation; Highways.

Petitions presented. By the Bishop of LICHFIELD and COVENTRY, from Birmingham, against Drunkenness; from Starcliffe, for the Better Observance of the Sabbath.—By Lord BROUGHAM, from the Mechanics' Institute at Greenock, in favour of the Bill for Erecting Public Institutions; from Bristol, against the Sale of Beer Act; from Bathgate, against the Grant for Building Churches in Scotland; from Greenock, against the Impressment of Seamen's Bill.—By Lord KENYON, from Churley, for Alterations in the Factories' Regulations' Act; from Northam, for Protection to the Established Church.—By the Dukes of BUCCLEUGH and RICHMOND, and the Earl of ROSSLYN, from a Number of Places,—for Protection to the Church of Scotland.

ASSISTANT CLERK.] Viscount *Melbourne*, in pursuance of the notice which he had given on Monday, said he should propose to adopt a certain course of proceeding, in consequence of the change which had lately taken place at their Lordships' Table. In the Report formerly made on this subject, it was proposed that when a change occurred among the officers, the whole matter of the appointments should be considered. He understood that the best course to be adopted to carry into effect that recommendation, would be to revive the Select Committee of 1824 and 1826. He should therefore move to revive the Committee, and that some noble Lords should be added to the number. The noble Lord accordingly moved that the Select Committee appointed in 1824 and 1826, to consider of the proceedings relative to the office of Clerk Assistant of the Parliament be revived, and that the Committee be instructed to inquire and report upon the several matters relating to the offices of this House, as recommended by a Committee appointed on the 12th of August, 1824, in the event of a vacancy in the Clerks at the Table.

Committee appointed.

THE EARL OF DEVON.] Viscount *Melbourne* understood that the noble Baron opposite had last night given notice, on the part of the noble Duke (Duke of Wellington), that the noble Duke would this day move an acknowledgment of the services of the noble individual who had lately had a seat at the Table of this House. He had just now spoken on the subject to the noble Duke, who had expressed an opinion to him, that in consequence of the situation which he filled, the Motion would look best coming from him. He himself should have been more satisfied if the Motion had been made by the noble Duke, whose experience, as a Member of the House, was greater than his own, and whose recommendation would have had proportionate weight with their Lordships. The noble Duke having been longer in that House than himself, had had more opportunities of observing the conduct of the Earl of Devon, in his official situation in that House, and was therefore, better able than himself to speak as to the merits of that noble Lord. He could have wished, too, that the Motion had fallen into the hands of some of the noble and learned Lords who administered the judicial business of that House, and who would, of course, be more able than himself to appreciate the conduct of the late Clerk-Assistant. It was unnecessary for him, with respect to this subject, to expatiate on the high legal knowledge, the great standing at the Bar, or the Parliamentary experience of the noble Earl, which had rendered himself peculiarly fit for the office he held, and which had enabled him to give their Lordships that assistance in the business of the House, which those who had the best opportunity of witnessing, most duly appreciated. While he said this of the ability of the late Clerk-Assistant, he was happy to be able to add, that there was but one opinion with respect to the courtesy of the noble Earl, and his constant readiness to afford every means of information within his power, and his wish to render that information available. The noble Viscount then moved the following Resolution:—"That this House thinks it right to record the just sense which its Members entertain of the great ability, diligence and integrity, with which the Earl of Devon executed the important duties of his office, while Clerk-Assistant of this House."

The Duke of *Wellington* said, that the present Motion was more properly presented to their Lordships by the noble Viscount opposite, than it would be by himself, as the noble Viscount was at the head of the Government; but except for that reason, he should himself have been happy to present to their Lordships' notice, for he had every reason personally to be satisfied with the conduct of the Earl of Devon at the time that the noble Earl was Clerk-Assistant in that House. During the whole of that time, the noble Earl gave the utmost possible satisfaction by his great attention to the duties of his important office.

Lord *Lyndhurst* said, that it was hardly necessary for him to express his entire concurrence with the Resolution proposed to their Lordships. During the time that he had the honour of a seat in that House, he had had a full opportunity of observing the merits of the noble Earl. It was not only for his general intelligence and activity in the ordinary business of that House, but for his more important and valuable assistance in the judicial business of it that the House and the public were indebted to the noble Earl. He most willingly bore his testimony to the merits of the noble Earl, whom he believed entitled to the gratitude of the House and the thanks of the country. He had great pleasure in adding, that he had this morning seen that noble and learned Earl who had so long presided over that House, and who desired him to express his opinion of the great merits of the noble Earl.

Lord *Brougham* said, that he should be wanting in duty to the noble Earl, to their Lordships, and to his own feelings, if he did not express his entire concurrence in what had fallen from the noble Lord who preceded him. He had an opportunity during five Sessions in that House, one of them, the Session of 1831, being unexampled in length and in the amount of legal business dispatched, of observing the merits of the late Clerk-Assistant, not merely as a Clerk in Parliamentary business, but as the Register of the decisions of that High Court of Appeal. All the duties of his office were performed by the noble Earl, not only with that integrity which might be expected from him, but with industry unexampled, and with zeal to a degree which hardly any other person had equalled. To such a degree did the noble Earl's zeal and industry carry him, that he believed the noble Earl was in possession of an accurate and valuable note of every one case at law or in equity which had come before that House from England, Scotland, or Ireland during the ten years that he had held the office. His praises of the noble Earl were therefore not confined to generals, but extended to particulars. He should add another circumstance, not known to all their Lordships, namely, that a great sacrifice was made by his noble Friend on becoming the Clerk-Assistant in their Lordships' House. His noble Friend was not taken from the situation of a briefless barrister to that which was an emolument or preferment, or from a situation of small and uncertain income to one of considerable amount and of certainty, but from a situation in which he had secured to him for life a handsome income. He had left the situation of a Master in Chancery, the income of which was considerably greater than that which he got as Clerk-Assistant. If he had continued in that office he would have been now entitled—not that he sought for it—to a large retiring pension. This was a moment when they ought not to show that they were forgetful of such circumstances. So well qualified for the office as the noble Earl was, he should feel that their loss was irreparable but for one circumstance, namely, that those qualifications and that knowledge from which their Lordships had derived so much assistance when the noble Earl was Clerk-Assistant, would be available to them now that the noble Earl had become one of the Judges of that high Court. He had reason to know, from the habits of business and patriotic spirit of his noble Friend, that he would be ready to give them that assistance, and more valuable could not be had. He begged pardon for trespassing thus on their Lordships' notice, but he could not refrain from paying this tribute to the merits of his noble Friend.

The Earl of *Shaftesbury* was unwilling to give a silent vote on the subject, but he should not detain their Lordships' further than by saying, that he entirely concurred in the Resolution.

The Earl of *Abingdon* also expressed his entire and cordial concurrence.

Lord *Denman* said, that not having filled his present office for any length of time, he feared that the short period during which he had held it hardly gave him the right of saying anything on the subject of the Resolution. He had, therefore, paused for a moment before he addressed their Lordships, but upon higher ground he felt that he ought not to hesitate, and that in justice to himself he could not consent to be excluded from bearing testimony to the great talent, the courtesy, and the excellent temper with which the noble Earl had discharged the duties of his important office.

Resolution agreed to *nemine dissentiente.*

* * *

HOUSE OF COMMONS,

Wednesday June 24, 1835.

MINUTES.] Bills. Read a third time:—Merchant Seamen; Roman Catholic Marriages; Dominica Indemnity.—Read a second time:—Sugar Duties'; Soap Duties' Drawback; Weights and Measures.

Petitions presented. By Sir GEORGE STRICKLAND, Major

Beauclerk, and Mr. Scholefield, from several Places, —for Remitting the Sentence on the Dorchester Labourers. —By Mr. W. Duncombe, from the Clergy of Catteric and Richmond, for Protection to the Protestant Church of Ireland.—By Mr. Edwards, from Llanidloes, against Machinery for Spinning and Weaving.—By Mr. Scholefield, from Birmingham, in favour of the Municipal Corporations' Bill; and for Reform of the Church of Ireland.—By Viscount Grimston, from Great Berkhampstead, for Inquiry into the Application of the Funds of the Grammar School] there.—By Mr. Dugdale, from Sutton Coldfield, against the Corporation Commissioners; from three Places, against the Importation of French Ribands.—By Mr. Gisborne, from Great Yarmouth, in favour of—and by the same and Mr. Hume, from two Places, against—the Municipal Corporations' Bill.—By Messrs. Gisborne and Divett, from four Places,—for the Repeal of the Duty on Newspaper Stamps.—By Lord Ebrington, Mr. Gisborne, and Mr. Barnard, from several Places,—for the Repeal of the Duty on Spirit Licenses.—By Sir Oswald Mosley, from Worcester and Barrow, for the Better Observance of the Sabbath.—By Lord Dudley Stuart, from Ayrshire, for Altering the Law relating to Heaped Measures.—By Mr. Buckingham, Mr. Wilks, and Mr. Philip J. Miles, from several Places,—against Drunkenness.—By Sir Edward Codrington, from Devonport, against the undue influence Exercised by the Officers of the Dock-Yard at the late Election.—By Mr. Wilks, from a Protestant Association, in favour of Religious Liberty, and against the Grant for Building Churches in Scotland.—By Captain Pechell, from several Places, for a more Equal Assessment to the Land-tax.—By Sir Francis Burdett, from two Parishes in Westminster, and by Mr. W. Miles, from Wellington (Somerset),—against the Imprisonment for Debt Bill.—By Mr. Hume, from the Debtors in Prisons of London and Middlesex, in favour of the above Bill.—By Mr. Oliphant, from Perth, for Dissolving the Convention of Royal Burghs; also for an Alteration of the Criminal Law.—By Major Cumming Bruce, and Mr. Robert Ferguson, from Laggan and Marnact, for Protection to the Church of Scotland.—By Mr. Hume, from the Magistrates of Middlesex, for the Repeal of a part of the Act 25th George 2nd; from Framlingham, against the Imprisonment of John Childs.—By Mr. L. Hodges, from the Farmers of Tunbridge, for Relief; from Tunbridge-Wells, in favour of the Medway Navigation Bill.—By Mr. F. Shaw, from Grange Clare, against Allowing any Individual to Vote at Elections who has not paid up all his Tithes six Months prior to the Election; from Lower Ormond, in favour of the Assize Removal Bill.

Corporation Reform.] Mr. *Scholefield* presented a Petition from Birmingham, agreed to at a public meeting, and signed by not less than 12,900 persons in six days, without any persons going round to obtain signatures. The hon. Member, after stating that many more signatures would have been appended had there been time enough, and reading a letter from the High Bailiff in testimony of the immense number and respectability of the meeting, and the good order observed by them, proceeded to state the contents of the petition to the following effect. The petitioners complained.—"That Corporate funds had been squandered in exerting a sinister influence in the choice of Parliamentary representatives; and then requested that a searching reform into such corporate institutions might be adopted by the House. That they were impressed with a strong and painful sense of the mischievous effects and the extreme injustice of the present system of the Established Church of Ireland; and they expressed a wish that the surplus wealth with which the Church of Ireland was now endowed, might, with a due regard to existing interests, be appropriated to such purposes as might best soothe the wounded spirit, and provide for the intellectual wants of the people of Ireland. That considering freedom in matters of religion among the dearest and most sacred rights of Englishmen, they claimed a full, free, and equal participation in all national institutions, and in particular, unrestricted admission into the English Universities; a complete and unqualified exemption from Church-rates, and a civil registration of births, deaths, and marriages, leaving the parties, in cases of marriage, to superadd, such religious ceremonies as they might think proper. That, at the same time, they are impressed with the wisdom of so seeking the redress of their grievances as not to aid the intrigues of enemies, nor embarrass tried and faithful friends." The hon. Member, in supporting the petition, said that although he would not go into any discussion of the matters contained in it, he could not refrain from expressing his great satisfaction that a petition conceived in so liberal a spirit, and so different from the tone which characterized a petition presented from some inhabitants of the same town a night or two since, should be now laid before the House. It evinced a most gratifying change of popular feeling in a great town, which, not many years since, had disgraced itself by the most bigoted fanaticism and intolerance, and hatred of everything that was liberal. As property was a point so much dwelt upon, he was prepared to say, that there was as much, or more property, on the liberal side of the question, than on the other. The petitioners finally expressed their fear that the Church question being made a mere money matter, would have the effect of injuring the interests of religion to a most dangerous extent. He moved that the petition be laid on the Table.

Mr. *Thomas Attwood* supported the prayer of the petition. He agreed in every thing which had fallen from his colleague and could testify from personal knowledge that many of the petitioners were most respectable men.

Mr. *Ward* also supported it, and expressed his gratification that the stigma which the petition presented from Birmingham on Monday night, was calculated to throw upon that influential town, was now so triumphantly removed.

Mr. *Potter* said, he remembered the time, shortly after the riots, when in Birmingham any one who expressed himself in favour of the least liberality, whether in civil or religious matters, was sure to be scouted from every class of society. The petition now presented evinced that a gratifying and honourable change had taken place in popular feeling and intelligence.

Petition laid on the Table.

BERKHAMSTEAD SCHOOL.] Lord *Grimston* then said, he had a petition to present from the inhabitants of Great Berkhamstead, Hertfordshire, praying for the interference of the House in a case of great abuse. In the reign of Henry 8th, a grammar-school was founded at Berkhampstead, for the training of 144 children in "all useful learning," and endowed with revenues which now amounted to not less than 600*l.* a year. The House, however, would be astonished and indignant at hearing that the charitable purposes of the founder were wholly without effect; for that instead of 144 children being educated at this school, for a long period of time none at all had been allowed to receive the benefits of the charity, and even now but half-a-dozen were admitted to it. The master of it, Dr. Dupre (who with an under-master of his own appointment, were sole trustees of the charity), was rector of a parish in Lincolnshire, and had wholly absented himself from the place, nor had there been any visible under-master to supply his place. The noble Lord moved, that the petition be referred to the Committee on Public Charities.

Mr. *Alston* said, that the revenues of the charity were much nearer 800*l.* a year than 600*l.* From 1811, the time Dr. Dupre succeeded his father in the mastership of the school, to 1832, the reverend Gentleman had wholly absented himself from the school, or rather school-room, for during the whole period there were neither scholars nor under-master. In these twenty-one years not less a sum than 15,645*l.* was received on account of the charity, and paid over to Dr. Dupre as trustee. How was this large amount disposed of? By the terms of the charter of charity its funds were to be appropriated to the education of "144 children in all useful learning;" and if after this purpose was fulfilled there remained any surplus, such surplus was to be applied to the use of the distressed poor of Berkhamstead. Had the funds been so applied? Certainly not? From a statement, collected, drawn up, and signed by the hon. Granville Ryder, and several other Gentlemen, the annexation of whose names at once proved the unquestionable correctness of the document, it appeared that this 15,645*l.* had been disbursed in the following items: —Master's salary, 5,993*l.*; repairs of the school-room and incidental expenses, 2,152*l.* undermaster's salary, 2,992*l.*; law expenses arising out of an investigation of the case, 2,700*l.* and a surplus of 1,808*l.* Upon these items he would observe, that neither master, nor under-master, had made his appearance on one single occasion, during the whole course of twenty years, although Dr. Dupre had a letter of licence from his living in Lincolnshire on the pretence of his having to fulfil the duties of this mastership; that the law expenses were incurred solely in consequence of their gross misconduct and neglect; and that of the surplus, not one farthing had been paid to the poor of the parish according to the terms of the charter. In 1832, Dr. Dupre had come to an arrangement with the parishioners to open the school in the terms of the endowment, but he had shortly after refused to stand by this agreement; and at this moment, instead of 144 children being educated "in all useful learning," there were but nine boys in the school, and to these Dr. Dupre refused to teach anything but Latin and Greek. The case was one of gross abuse and excited general indignation in the county, and he trusted the House would interfere in the matter.

Mr. *Ward* said, that this was not only a crying grievance in itself, but it formed one of a class of abuses which called for immediate and effectual remedy. If anything had been wanting to show the absolute necessity of such an inquiry as that moved for the other night by the hon. Member for Southwark, the present petition supplied the deficiency in most unanswerable language. One of the items detailed by the hon. Member was "2,992*l.* salary to an under-master." Now it was a singular feature in the case, that the existence of any under-master at all, was matter of very strong suspicion. At least no such person had honoured the school-room with his attendance, except, indeed, on one occasion, when Dr. Dupre, being challenged to produce his under-master, a gentleman from Cheltenham was, by the reverend head-master introduced to the parishioners as his under-master, and went through the duties of that office for three weeks, after which arduous labour he went away, and was seen or heard of no more. The "garnishing of the King's subjects with all kinds of useful knowledge," which the school charter described as the object of its endowment, had, indeed, been a matter so little attended to, that not a single child had for a long period of time derived the slightest advantage from the charity.

Mr. *Goulburn* said, that it gave him infinite pain to add his testimony to the fact, that very gross abuse had been committed in this case, and he regretted it the more, since the person of whose misconduct there was but too much reason to complain belonged to a body which he held in the highest respect. It was beyond a doubt that the misconduct of Dr. Dupre had wholly destroyed the great benefits which would otherwise have been derived from this charity. He did not, however, conceive that the object of the petitioners would be attained by having this petition referred to the Committee suggested by the noble Lord, nor did he think such reference consistent with the forms of the House. The case in question not having been investigated by the Commissioners, there was no evidence to lay before the Committee, which, consequently, was not competent to make any report on the subject. The best plan would be to lay the petition on the Table, and then take into consideration the propriety of making some legislative provision by which a due execution of the powers given to the trustees should be enforced.

Sir *Edward Codrington* observed, that it was most desirable that the Committee in question should be empowered at once to take into consideration and report upon such cases as these; such an additional power would greatly add to the benefits to be derived from the labours of the Committee.

Lord *Grimston,* in answer to a question, said, there was a visitor to the school, but that he had no power over the trustees. The noble Lord added, that in compliance with the suggestion of his hon. Friend, he should move that the petition do lie on the Table.

Mr. *Wilks* expressed his high gratification at the anxiety thus manifested by men of all political opinions to put an end to this shameful abuse.

Sir *Edward Knatchbull* concurred in the opinion that this very gross case should meet with immediate and searching investigation. It was highly proper that some practical and forcible mode of proceeding should be adopted, in order to a speedy and effective remedy of the abuse.

Petition to be laid on the Table.

EDUCATION (IRELAND).] Mr. *Wyse* moved the second reading of the Bill for the education of the people of Ireland. After the large exposition he had already given of its principles, it would be unpardonable to trespass long on the attention of the House, especially when a subject of so much interest was about to come before it. He should reserve, for the next stage, the arguments by which he should be able to support each of the Clauses. He should confine himself on the present occasion merely to a few words on its most important principles. The most prominent of these was the recognition that any measure for national education, should repose on moral and religious instruction. That principle was admitted by every civilized state of Europe and America, and laid down as the groundwork of all amelioration, without which education itself would produce evil, by spreading wider the seeds of error and dissension. It was well said by Mirabeau, that liberty was not so important as religious and moral instruction; and the experience of all history had shewn the justice of the remark. The second principle laid down in the preamble of the Bill was this:—that wherever a system of education was intended to be extensively applied and permanently secured, it could only be accomplished by the joint co-operation of Government and individuals. Therefore, while it was necessary that Government should have that control over education which belonged to the superintending power, it was necessary that the people should co-operate. This principle he had endeavoured to carry through every part of the measure. In all cases of this kind it was obvious that the people must feel considerable interest in the improvement of their immediate connexions; but it was impossible that in remote and poor parishes anything like a general system of education could be established, unless, in the outset, the first efforts were made by a Board. If the people contribute, he had taken care to give them a share in the management by Local or School Committees—not so as to interfere with the labours of the teachers, but so as to keep up a proper inspection.

He should trust little to the Board if it were not controlled by public opinion, and responsible to the House. With regard to religious instruction, which had been so much a subject of difference among nearly all classes in Ireland, and which had materially impeded the general march of education there, he had endeavoured to provide for all the contingencies by means the most simple and natural. With the concurrence, on one side, of the Board, and on the other side, of the parish, he confided to the parish the assessment for the support of the master of the school. It was obvious that much might be done by the existing law. Out of the 1,600 schools in Ireland, no fewer than 1,000 were in the province of Ulster, and only 600 in the other parts of Ireland. One of the most important obstructions hitherto existing to any arrangements for education, had been the want of proper teachers; that was a point upon which he insisted, and he had made provision for the instruction of proper persons capable of imparting instruction to others. There could be no greater absurdity than to suppose that children could be educated without educators; to attempt it was labour in vain. The first important step in education was, to provide a school for the education of teachers; and powers were given to the Board, not only for the education, but for the selection of proper teachers. The Board would superintend the instruction of teachers, that schools might be well provided with proper masters. Thus, also, a power was given to reward those who were deserving. Without some encouragement of this kind, it was almost a desperate attempt to obtain teachers, who might be confined to the obscurity of a small parish, without the means of distinguishing themselves. It was not necessary to enter more into the details of the Bill; the outline of which he had laid before the House on a former occasion. Some Gentlemen might be surprised not to discover particular regulations in the Bill; for instance, particular regulations regarding religious and other instruction; but looking to the several codes of Europe upon this point, it would be found that such details introduced into the body of the law had been usually ineffectual; many contingencies, not at all foreseen, occurred to defeat them, and they would render necessary an Act of Parliament almost every Session. He had, however, given the Board sufficient authority to introduce rules of the kind. He hoped that most of the principles in the Bill would meet with the unanimous concurrence of the House, and should content himself with moving the second reading.

Lord *Morpeth* had no objection to the second reading of the Bill, on the understanding that it should not be further proceeded with during the present Session, in order that the Government might consider during the recess, how far the objects of it might be practicable.

Mr. *Shaw* was not prepared for the Motion of the hon. Member, but, on the understanding suggested by the noble Lord, was ready to assent to the second reading. In doing so, however, he was not to be considered as coinciding in the views upon the subject of education which the Bill embodied.

Mr. *Wyse* thought the best plan would be to send the Bill, on its being read a second time, to a Select Committee. If his Motion, however, were now agreed to, he would name a day for the Committee, and that would give time to consider what course it would be best to adopt with respect to it.

Lord *Morpeth* thought there were too many questions already before the Select Committee to justify the House in sending another at the present advanced period of the Session. It would, however, be time enough to consider that when the Report came from the Committee on Diocesan Schools.

The Bill read a second time.

EXCHEQUER BILLS.] Colonel *Perceval* wished to put the question to the Chancellor of the Exchequer, of which he had given the right hon. Gentleman notice yesterday. It related to the unusual time Exchequer Bills had been very recently kept at the office. They had been sent in for exchange on the 11th of June, and had not been delivered until yesterday, being, therefore, a detention of twelve days. He was informed that this was about three times the period for which they were ordinarily kept. It might occasion great inconvenience to parties who wished to raise money for temporary purposes, and he had been told that, had the detention occurred for twelve days prior to the 11th of June, the consequences might have been most disastrous to the monied interest. He hoped that such a circumstance would not be allowed to occur again.

The *Chancellor of the Exchequer* replied, that he had directed a reference to be made, first to ascertain the facts since the year 1825; and next to discover the peculiar circumstances that had occasioned the irregularity. An account had, therefore, been prepared, with which he was furnished; and on this authority he would state, that the hon. and gallant Member had been misinformed in some particulars. The delay was usually in proportion to the number of Exchequer Bills to be exchanged. In 1829, the exchange took place in September, and there was an interval of twelve days between the delivery of the bills into, and the delivery of them from, the Exchequer. In 1830, the interval was eleven days; and the same in 1831, 1832, and 1834. He would now explain the peculiar circumstances which occasioned the delay in this instance. The time occupied depended upon the number of Exchequer Bills to be exchanged. In 1829, when it occupied twelve days, the number was 14,500; but, in the recent operation, they were at least one-third more—viz., 22,457. The increase in the number was to be accounted for in this way—that a much larger number of Exchequer Bills of 100*l.* and smaller denominations had been issued for public works and other purposes of the same kind. He was quite ready to admit the expediency of dispatch, for the sake of public convenience; and without imputing any undue procrastination, which had not in fact occurred, it would be his duty in future to take care that as much expedition as possible should be used.

Colonel Perceval was satisfied with the answer.

AFFAIRS OF SPAIN—ORDERS IN COUNCIL.] The Order of the Day for the Municipal Corporations (England) Bill having been read,

Lord *Mahon* rose to bring forward the Motion upon the subject of the late Orders in Council in regard to the Foreign Enlistment Act, of which, some time past, he had given notice. The noble Lord commenced by expressing his regret that he should stand in the way of any hon. Members in whose name a Motion for that evening stood, and expressed his obligation for the consideration evinced in permitting him to take precedence of the other business which stood upon the paper. It was not for his own sake that he asked the House to give him an opportunity of submitting his Motion—it was for the sake of the important subject to which that Resolution referred; and, much as the attention of hon. Members was at the present moment directed to a question of the greatest domestic interest, he confidently trusted that they would, for a short time turn to a question which he thought he should be able to convince the House deeply affected the national interest and the national honour. In order to narrow the grounds on which it was his intention to base his Motion, and to bring the Question within as small a compass as possible, he should, in the first place, lay aside those points on which there was no difference of opinion between himself and the noble Lord opposite. There were some points on which he and the noble Lord were entirely agreed. He did not dispute the legality of the Order in Council. He believed the Foreign Enlistment Act gave to his Majesty in Council a dispensing power, and in using that dispensing power Ministers had not gone beyond the bounds of their just and constitutional authority. He would admit also most readily that the Queen of Spain was our ally, and that we were bound to deal with her as our ally in a cordial and liberal spirit. He admitted also the obligations contained in the stipulations of the treaties we were required to perform towards our ally, the Queen of Spain. Those obligations were expressed in the second article of the four additional articles which were signed in August last by the noble Lord opposite, and were in these words:—"His Majesty the King of the United Kingdom of Great Britain and Ireland engages to furnish to her Catholic Majesty such supplies of arms and warlike stores as her Majesty may require, and further to assist her Majesty if necessary, with a naval force." He did not wish to discuss at present the policy of the quadruple treaty. When the late Government came into office it formed no part of their business to inquire whether that treaty was formed on wise political principles—and whether the noble Lord in concluding that treaty had duly consulted and followed the interests of England. It was enough for him to know that the late Government was aware that that treaty had been actually concluded, and that the faith of England was pledged to it. The Members of that Government had felt there could be no deviating from that treaty consistent with the faith and honour of this country towards foreign powers; therefore they had observed most scrupulously every part of it. In pursuance of the stipulation he had just read, the noble Lord, while in office, had, he believed, supplied to the Queen of Spain about 40,000 muskets; the Duke of Wellington had supplied about 50,000 more, and other supplies of arms had also been granted. When the question of repayment arose, the Duke of Wellington decided that he would not press inconveniently on the Government of Spain for repayment, but would trust to the good faith of that Government to repay at a future opportunity. Then this country sent out the mission of Lord Eliot, a mission upon which he did not think it necessary to trouble the House with any observations, because, when the subject of that mission was discussed a short time ago, it appeared to him that nearly the whole House seemed to concur in thinking that that mission was no less honourable to England than beneficial to the Government of Spain. That being the case unless the contrary was the wish of the House, he would not say another word on that question. On the whole, therefore, he would assume that the stipulation to which that House was bound by treaty had been most exactly and scrupulously attended to and fulfilled by the late Government. He was sure he need say no more on that point, which he felt to be the less necessary after the very honourable testimony borne to the conduct of the late Government by Lord Melbourne —honourable to his manly character—and satisfactory to those whose conduct he approved of, and that testimony was, that the late Government had not given the slightest encouragement to the cause of Don Carlos, and that they had most honourably fulfilled their obligations to the Queen of Spain. Such, then, had been the conduct of England. But it was one thing to fulfil all the obligations of a treaty—one thing to construe a treaty in a liberal and cordial sense, and quite another thing to be prepared to support an ally at the expense of British treasure and British blood. Why was it we supported the Queen of Spain? It could only be because we believed it to be agreeable to the great majority of the Spanish people. Because it was supported by nine-tenths of the Spanish people. Were the fact otherwise it could not be contended that we had a right to impose a government on that people contrary to their inclinations. Was the Spanish Government, in fact, agreeable to a great majority of the people of Spain? He should like to hear the noble Lord's answer to that question. If it were, how came it that a large majority was not able to put an end to an insurrection on the part of a small minority? If it was not, on what ground was it that we were to support it? He might be asked, upon the argument he had just brought forward, how did it happen that the Spanish Government had so signally failed to put down the insurrection of Don Carlos? His answer to that was to be found in the impolitic acts of the Government of Spain. What could be more impolitic and more unjust than to abolish, all at one blow, all the privileges of the Basque provinces? Was it necessary to change the character of the war from a struggle for a disputed succession, into a struggle for ancient freedom. Then, again, could anything be more impolitic (he might use a stronger word) than the burning of villages, the massacre of helpless prisoners, nay, sometimes even of women and children, by which the provinces of Navarre and Biscay had been desolated, and the glory of Mina and Rodil for ever stained? If even it were said, that the same or greater atrocities were committed on the other side, that was no excuse for such conduct on the part of the Government. It was the duty of an established and legal Government to set an example of moderation and justice to the people—it was its policy to turn the odium of such atrocities on the side of the insurgents. And what had been the result of the system of barbarity which had prevailed? Instead of intimidating, it had aroused that brave people—it had fanned the very flame which it was intended to extinguish. He put it to the House, whether the facts he had stated were not enough to account for the failure of the attempts of the Government to suppress the insurrection; and whether those were not causes fully within the power of the Queen's Government to alter or remove? On such arguments he could not see the necessity, and he would not admit the justice, that they should support the throne of the Queen of Spain at the expense of British blood; but if her throne was to be protected, he was not sure whether he would not prefer a straightforward and manly intervention by sending out a body of the King's troops under the King's Commission, rather than the indirect, and, in his view, discreditable measure to which his Majesty's Government had recourse. He thanked God our people were not Swiss, and he trusted when the time did arrive when they should be called on to assist an ally, they should do so by troops and officers commissioned by the King, and not by mercenary bands. From the period of the Revolution down to 1819, there was no instance of any individual being authorized by the King's commission to levy armies in England for the service of a foreign power. In 1819 such an attempt had been made in behalf of the South American Republic; but with the assistance of the noble Lord himself (Lord Palmerston) it had been immediately put down. Even if they went back to a more distant period than the Revolution, they would find but very scanty precedents for a proceeding like the present. He would not weary the House with a long historical discussion, but his own opinion was, that the precedents in the reign of Elizabeth were against this course. There was a precedent in the reign of Charles 1st in favour of the present practice, when troops were sent out to the succour of Gustavus Adolphus under the Marquess of Hamilton, but surely they would not be told that Charles was a very constitutional prince when he governed without his Parliament. In his view of the Question, however, the precedents of such remote times were to be valued rather for historical curiosity than for legislative use. He took up his case from the settlement of the Constitution in 1688. and from that time there was no precedent for the measure which he was now discussing; and he said, that to introduce such a system—to encourage such a system as that of mercenary troops—was equally discreditable to the Government and injurious to the country. Such a system had not been defended even by the Swiss themselves: they had only urged, in palliation, the poverty of their rugged and barren mountains. But could such a plea be admitted for this great and rich country? No character, in his opinion, was more entitled to respect than that of the gallant soldier who stood forth in the cause and at the call of his country; he most sincerely wished all those gallant men the prosperity which they were the means of securing and guarding to themselves; and if they fell, their graves would, he hoped, be honoured, and their memory immortal! But very different was his feeling towards those soldiers, however brave or skilful, who fought as mercenaries—who had no country but their camp, no patriotism but their pay—who were ready to call themselves Englishmen to-day, and Spaniards or Portuguese to-morrow. He did not throw this out by way of imputation against those officers who had enlisted in this expedition. He was ready to admit, that those who had come forward under the hon. and gallant Member for Westminster were not influenced by any sordid motives, such as plunder and pay; he had no doubt they were influenced by the love of distinction, and by a spirit of enterprise —motives not by any means dishonourable, but which were certainly not sufficient to vindicate the proceeding. In his opinion, to justify the character of a soldier it was absolutely necessary that he should come forward at the call, and in the cause, of his country. There were cases when the profession of a mercenary soldiery might, perhaps, be considered a necessary evil, such as where they existed in exile from their country, as was the case with the Poles at present. Other instances might also be adduced, as the Jacobites of last century, and the Catholics who fought at the battle of the Boyne. But he never would sanction by his voice in that House the establishment in Great Britain of a system of *condottiéri.* It was disgraceful to Italy in the darkest era of her history, and it was utterly unworthy of England in the present enlightened age. He had another objection to make with respect to a number of the force to be employed on the present occasion. It was inadequate to perform the service required of the troops. He understood that when the Question of intervention was discussed, 50,000 men was stated as the number which would be required, and the French Commissioner went so far as to speak of 120,000 men. According to the opinion of those who had the best means of judging on this Question, what chance is there for the success of only 10,000? If a General Officer wished to perform a special service, and if he were to dispatch only one-fourth or one-fifth of the number of troops which he understood to be required, he would be liable to an impeachment by this House. And would it be said, that a Minister, under precisely the same circumstances, was wholly free from blame? Then, again, look to the manner in which this force was to be commanded. He meant no disrespect to the hon. and gallant Member for Westminster; he should be sorry if political hostility led him on any occasion to say anything at all personally offensive to him. But without disparaging his military services, he had a right to speak of his rank. Now, if there was any value in military subordination of rank, and the due scale of promotion, which the noble Lord (Palmerston) would not be disposed to question, he (Lord Mahon) very much doubted whether, without any wish to give personal offence, a half-pay Lieutenant-colonel was altogether a fit individual to be Commander of 10,000 men. In the scale of military rank, he could scarcely be supposed to have either sufficient experience or authority. Nor was the manner in which the hon. and gallant Member intended to conduct his expedition likely to prove much more satisfactory. Without entering into any military criticism, he might ask if it was not extraordinary, that the gallant Colonel did not resign his seat? He felt himself, it seemed, quite competent to serve his new masters in Spain, and his old constituents in Westminster; but was there not a fear that he might thereby be tempted to compromise both the characters he had assumed? Would they not be incompatible one with another? The hon. and gallant Member might find it difficult to return to this country when his Majesty might again call Parliament together. His military operations might prevent him. He could not leave the field on the eve of a decisive victory. He did not assail the character or motives of the gallant Colonel. He only stated the position of the gallant Officer. The expedition tended altogether to failure, and Government ought not to expose the honour of the country to such a venture. If the noble Lord opposite (Palmerston) should say it was no business of theirs, that it concerned only the Queen of Spain, he (Lord Mahon) would say on the other hand, in answer to such an argument, that the honour of the country was implicated, and such an army of equipment, though not bearing the King's Commission, if defeated in Spain, must cast a great stain on the national renown. What right had the noble Lord to expose the military glory of the nation to such a disaster? What right had he to expose our countrymen to failure on the fields of Salamanca, or Vittoria still green with our laurels? There was another point of great importance, to which he felt it necessary to call the attention of the House—he meant, how far this corps would be included in Lord Eliot's convention. The Queen's Generals had restricted it to the armies contending in Navarre, although, as previously signed by Zumalacarreguy, it had a more extensive aspect. It was very doubtful whether the force about to be sent out to Spain could be fairly included in the convention, even if acting in Navarre; but if employed in other parts besides Navarre and Biscay, it would certainly not apply to them. Such was the interpretation put on the Convention by Lord Eliot himself, and therefore it was a point which demanded the serious attention of the House. He felt reluctant to take up more of their time; but he considered it incumbent on him to bring the matter under their attention. There was another point in which the Question might also be considered. He (Lord Mahon) was not unacquainted with Spain, with the country itself, or with the character and condition of its inhabitants. He had gone through most of its provinces, and endeavoured to make himself acquainted with the feelings and opinions of the people. No doubt the national character was very different in the different provinces of which that country was composed, and the feelings of all on various subjects were not in perfect unison; but he could confidently state on his own knowledge, that, from the highest peaks of the Sierra Morena to the shores of the Tagus, national pride and an intense hatred of foreign interference with the politics of their country were common to every one of them. It was, in fact, stronger in Spain than in any other country in which he had been. Taking this into consideration, he should say, that if there was any wish on the part of the present Government to increase the adherents and extend the power of Don Carlos over the population of the country, no more effectual mode of doing this could be adopted than that now set on foot by the noble Lord, the Secretary for the Foreign Department. He could assure the noble Lord and the House that if it were persevered in, it would be only the first step to some more decisive and alarming measures. If the intervention were on a larger scale—if it were such as that of Napoleon, when he sent 100,000 men to Spain, sufficient to overpower all immediate or open resistance, then he could understand it: but when it was confined to a comparatively trifling force of 10,000 men, he could only calculate upon a perpetuation of resistance, and an encouragement to continuous opposition. It was, therefore, the most unsatisfactory measure which could by possibility be devised. It would tend directly to increase the adherents of Don Carlos and to assure his chance of the throne, while its indirect tendency would be the destruction of so many British subjects, and the loss of the national honour. There was another point to which some attention would be required. He meant the expenses of this army of 10,000 men. He understood that the answer of Lord Melbourne in another place was, that the

British Government was not liable, and that the court of Spain bore it all. He wished to know who would secure to the men and Officers engaged that the pay for which they stipulated should be duly discharged? Many of the men had joined the expedition under the impression that the British Government, by sanctioning the course, guaranteed the payment and all contingencies. It would be a great hardship on them if they were, by some of those accidents to which each party was liable—defeat, loss of possession, or death—to find themselves without any resource and without any mode of recovery. He could not but wish that the noble Lord opposite had looked more to the opinion of the noble Duke, his predecessor in office, and less to his own, in dealing with the subject. He could assure that noble Lord that that noble Duke had never hesitated to adopt his measures whenever he found them likely to be serviceable to the State. That illustrious individual never suffered party feeling to interfere with the true interests of his country, and it was equal to him in what quarter measures originated, so they had the public good for their object. He recollected a particular instance, which he should state to the House. It was the case of a despatch which it was necessary to send to one of our Ministers at a foreign court. In that instance the noble Duke did not give any new instructions; he simply referred the Ambassador to the directions which he had received from the noble Lord opposite, his predecessor in office. And he expressed the satisfaction he felt whenever he was able conscientiously to adopt the opinions of his predecessor. He wished that the noble Lord opposite had been actuated by a similar feeling in regard to the case before the House, as it would have been greatly for the advantage, as well as for the honour of the country. If there was one subject to which, more than to any other, the Duke of Wellington, in his speeches in Parliament, at the Congress of Verona, and in his official despatches, expressed his aversion, it was to foreign intervention with the internal affairs of Spain. He had always asserted, and always argued, that no British soldier especially should be permitted to interfere with them. The noble Lord had the last-named documents in the records of his office, and he must, therefore, be aware of the disapprobation with which the noble Duke, his predecessor, regarded this subject. The noble Lord must also have been aware, in common with every individual in the kingdom, that the opinion of the noble Duke was peculiarly valuable on all matters relating to Spain, especially at the present moment, when an infant constitution was beginning to bud forth into being and life. On this point he should wish to call the attention of the noble Lord to an authority of great weight with his side of the House, an authority which only exceeded itself by the beauty of the language in which it was couched. It was no less an authority than a speech made by the noble Lord himself, on the 30th of April, 1823, on a motion made by Mr. Macdonnell, respecting the Spanish negotiation. In the Debate a question arose on the advice which had been given by the Duke of Wellington relative to non-interference, on which occasion the noble Lord expressed himself in these apposite terms:—

"He could not but think that the choice of the Duke of Wellington, as the person by whom this advice was to be given, was most delicate towards Spanish feelings, and most consistent with a regard to Spanish honour. If there was any man in Europe from whom advice to Spain would flow free from the remotest taint of suspicion—and might be taken by all Spaniards as dictated by the sincerest regard for Spain—it was the Duke of Wellington. It is often said that nothing creates so strong an affection as the consciousness of benefits conferred. If ever there was a man who conferred upon any nation benefits which should call down blessings on his head from every voice—from the lisping accents of infancy to the tremulous benedictions of age—that man was the Duke of Wellington, that nation the Spanish people. It is also true, in the principles of human nature, that man loves the theatre of his glory, and the companions of his triumphs. The proudest laurels which encircle the brow of the Duke of Wellington were gathered in the sterile and unfruitful fields of Spain. It was in the provinces of the Peninsula, and surrounded by its co-operating population, that he displayed those various qualities which form the character of the unconquered General and the consummate Statesman—characters which, rare in their separate existence, are uncommon indeed in their union in the same individual; it was there that he established that imperishable fame that will last while history endures. Was it in human nature that the Duke of Wellington should not take the warmest interest in all that concerns Spain and the Spanish people? Was it possible that they should not feel, that advice from him came as free from suspicion as from the best patriot in Spain; and could they suppose that the man who had rescued Spain from subjection, and washed out from her soil the pollution of invading footsteps in the blood of the de feated invader, could counsel Spain to dishonour?" *

The noble Lord went on to say—

> "Had we engaged in the war it is by an army alone that we could have given effectual assistance; and from the first moment that an English soldier set foot in the Peninsula we should by necessity have become principals in the war, and upon us would have fallen the whole burden of the contest; for we must have sent a large army, or none at all. To have sent a force so small as to depend upon Spanish co-operation and support, and not large enough to act independently, and to stand upon its own resources, would have been to expose us to the certainty of defeat and disgrace, and wilfully to drag in the dirt the laurels we gained in the last war." †

He admitted that this passage applied to regular, and not to mercenary soldiers; but it was quite plain that the argument was, in the latter case, only the stronger, unless indeed the noble Lord would contend that mercenaries raised in the streets of London, at a moment's notice, were likely to be more efficient and valuable than the same number of King's troops. He had now gone through the grounds on which he considered the Order in Council liable to the most serious objection. He had not, he trusted the House would see, moved on light grounds for its production. He trusted that the House would pardon the trespass he had made on their time, and believe him when he assured them that a sense of duty alone had urged him to bring forward his Motion. Perhaps there were other considerations besides those which he had adduced; but he conceived he had brought forward a sufficient number for his purpose —which was to convince the House of the impolicy and inexpediency of countenancing the proceeding in question. He hoped that, in viewing the subject, hon. Members would look at it in all its bearings; not as in connexion with party politics of any kind whatever. If they should do so, he felt persuaded that they would speedily and entirely coincide with him in opinion. The noble Lord concluded by moving an humble address for

> "A copy of the Order in Council exempting his Majesty's subjects who may engage in the service of Spain from the provisions of the Foreign Enlistment Act, and copies of all correspondence which had taken place between the Spanish Government and the Secretary of State for Foreign Affairs relative to the subject."

Viscount *Palmerston* began by assuring the noble Lord that he should offer no opposition to the production of the papers in question; on the contrary so confident did he feel that the more the conduct of his Majesty's Government on this subject was investigated, the more would it obtain the approbation of that House and of the country—that he should willingly give his support to any Motion, such as that of the noble Lord, which tended to lay more fully before the House and the public the nature of the transaction to which those papers referred—and the grounds on which it rested. He was glad that the noble Lord, in the beginning of his speech, had cleared away in some respects those points on which a difference of opinion might have been supposed to exist between them, and that he had stated it not to be his intention to question either the legality of the Order in Council, or the policy of the Treaty of the Quadruple Alliance. At the same time he must be permitted to remark, holding, as he did, that the measure under discussion grew out of that treaty as its natural consequence, and was conceived purely in the spirit of it, that he could not but feel great surprise that the noble Lord should abstain from questioning the policy of the treaty, when he had so strongly condemned the policy of a measure which flowed from it as a necessary corollary. He was glad to have then an opportunity, which circumstances had deprived him of on Friday evening, of giving his testimony to the policy of the Convention signed by Lord Eliot and Colonel Gurwood, and of saying that he thought it redounded highly to the credit of the Government by whose instructions it had been proposed. He regarded it as an act of which they might be proud, as advantageous to all parties concerned. He was equally ready to bear his testimony to the fair, sincere, and honourable manner in which the late Government conducted the foreign relations of this country in reference to the contest in Spain, and the execution of the Quadruple Treaty. The noble Lord had quoted from a speech which he (Lord Palmerston) had made on a former occasion, a passage in which he had stated his opinion that the Duke of Wellington was, from the services which he had rendered to Spain, peculiarly entitled to be the counsellor of Spain in the hour of difficulty, and must be looked upon as one who had the interest of Spain at heart. He had not altered in one iota the opinions expressed in that speech; and what he had seen of the records of the Office over which he had the honour to preside, relative to the manner in which the Duke of Wellington had acted in the execution of the engagements of the treaty of the Quadruple Alliance, had only tended to convince him the more that the Duke of Wellington had the interest of Spain at heart. Those records had shown him that that noble Duke had acted with the strictest good faith, sincerity, and honour in the execution of that treaty, whatever might have been his opinion on the policy of originally framing it. That testimony he felt bound to bear, not only because he had been appealed to by the noble Lord, but because he conceived it to be his duty to bear that testimony from the situation which he had the honour to hold. Knowing, then, from these records what were the opinions of the late Government on the present question, it was not without some surprise that he had heard opinions of so different a nature implied, if not expressed, by the noble Lord who had then belonged to that Government. For although the noble Lord had expressed a tender anxiety lest the number of troops should be insufficient, lest their pay should not be adequate, and lest officers should be discouraged from entering into the service of the Queen of Spain by apprehensions that they would not be included within the limits of the Convention, and although the noble Lord seemed to tremble with alarm lest his hon. and gallant Friend (Colonel Evans) should not possess rank enough to give him the authority necessary to enable him to carry the undertaking in which he was about to embark to a successful issue, and although any one who had heard the expressions of the noble Lord might suppose him to be really anxious for the success of the cause of the Queen of Spain, yet the impression on his (Lord Palmerston's) mind was this, that if the results should be adverse to her cause, the noble Lord would not be found amongst the greatest mourners on that occasion. The noble Lord, indeed, had been not merely expounding his own opinions, but had undertaken to say what were the opinions of the Duke of Wellington on that particular question, and had told the House that that noble Duke greatly disapproved of the Order in Council. The noble Lord would doubtless not have taken on himself thus to state what were the opinions of a noble Friend of his, particularly as that noble Duke had the opportunity of nightly expressing his own opinions in Parliament, unless the noble Lord had been fully authorised so to do; but when the noble Lord referred him (Lord Palmerston) to the records of the Foreign Office in confirmation of them, and reproached him for not having adopted as well as consulted the recorded opinions of the Duke of Wellington, as, in some instances, that noble Duke had consulted and adopted the recorded opinions of the Government preceding him, he must beg to say that he was not aware that there were in the archives of his Office any records of any opinions of the Duke of Wellington on the particular Question which the noble Lord had brought before the House.—[Lord *Mahon:* As to the intervention of foreigners in the internal affairs of Spain.]—The noble Lord made use of a very convenient expression, and included under one denomination things totally different; indeed the fallacy pervading the noble Lord's speech was this, that he confounded the measure now under consideration—namely, the permission accorded to English subjects to enter into the service of the Queen of Spain—with a measure perfectly distinct in its nature, the sending out into Spain of armies, under generals obeying foreign sovereigns and receiving foreign pay, and therefore not under the orders and disposition of the Government of Spain. When the noble Lord quoted opinions of his (Lord Palmerston's) expressed at the time when France was sending an army of nearly 200,000 men to dispose of and re-model the internal Government of Spain, and seemed to found upon them a charge of inconsistency, the noble Lord should bear in mind that those opinions were not applicable to the present case, from which the case of that former period was totally and essentially distinct. Looking to the question of policy, what remote resemblance could there be between the two cases? At that time there was an army of nearly 200,000 Frenchmen marching into Spain to decide what should be the constitution of that country; and now about 10,000 or 12,000 persons were in arms with a view of opposing its established Government. And here he would, in answer to the question of the noble Lord as to the side on which were the majority of the Spanish nation, declare that he had no hesitation in stating it to be with the Queen; and the proof of that fact was to be found in the circumstance that for nearly a year and a half the resistance to her authority had been confined to particular provinces, and that no disturbances had broken out in any other parts of the kingdom. It should be recollected also that the inhabitants of these provinces formed a people different in race, habits, and language from the people of the rest of Spain; and there could consequently be no justice in inferring from the resistance of the inhabitants of Biscay, that the people of Spain generally partook of the same feelings as influenced them. The noble Lord had quoted also his (Lord Palmerston's) opinion in the case of 1823, that it would be inexpedient, if we sent troops, not to send a large army. But in that war was it merely 180,000 or 200,000 Frenchmen that we should have had to encounter? Did not the noble Lord recollect that the French army on that occasion was merely the advanced guard of Europe; that the other European Powers supported France on that occasion; and that the contest into which we should have been led would have been a contest not with France alone, but with the other Powers of Europe? The objection which he (Lord Palmerston) had taken, too, was to the sending of a British army into Spain which should act under the orders of the King of England, and not be subject to the orders of the King of Spain. No such course had been pursued on the present occasion; no English army had been sent as an English army; permission had been simply given to British subjects to enrol themselves in the service of the Queen of Spain; and the dignity of the Crown of Spain was in nowise wounded by a measure such as that, because the levies so enrolled under that permission were, for the time being, the troops of the power whose pay they received, and whose colours they wore. A force such as they constituted, and a foreign army, were so palpably distinct, that he wondered how any man could confound them. The noble Lord had said, that there was no precedent for the course pursued. He (Lord Palmerston) would not dispute with the noble Lord as to that point; he wished to found the conduct which the British Government should pursue upon the circumstances of the case, and upon the expediency of the time. If that Government were wrong in what they had done, twenty precedents in their favour would not make that case of wrong a case of right; if they were right, as he contended they were, it was perfectly indifferent whether they had been following a precedent in the course which they had taken, or boldly establishing a precedent for themselves and for others, in time to come, satisfied that when similar contingencies arose, their example would be followed if they had been right, and avoided if they had been wrong. He therefore maintained that that case was not one of precedent, but a case af acting right or wrong. He held that they were right, that they were acting in strict pursuance of the true interests of England; and he would say moreover, that they were acting in strict fulfilment of the treaty which they had formed, and that if they had gone a step further—if, for instance, France had sent troops under French generals, and England had sent troops under English generals, on the demand of Spain for assistance—such operations might have rendered necessary fresh articles, in order to regulate the execution of their objects, but they would not have been exceeding the spirit of the Quadruple Treaty. A question might have arisen as to whether such a mode of proceeding was expedient or wise; but no question could have arisen as to whether the adoption of it implied the entering into a new course of policy, and the departure from the spirit of engagements which were contracted twelve months since, and which had been before Parliament since that period, and had not called down the disapprobation of Parliament. It was an English interest that the cause of the Queen of Spain should be successful; it was of great interest to this country that that alliance which had been fortunately cemented between the four Powers of the West, England, France, Constitutional Spain, and Constitutional Portugal—it was, he repeated, of great interest and importance in the most enlarged views of national policy that that alliance should continue; and it could only continue by the success of the Queen of Spain. If any man were to tell him, that in the event of Don Carlos succeeding in what he (Lord Palmerston) held to be impossible—establishing himself on the throne of Spain, and in restoring all those principles of internal government and of foreign policy which would inevitably accompany his establishment—if any man were to tell him that such a change in the state of Spain would leave her as efficient an ally in the spirit of the Quadruple Treaty for England, as she would continue to be if the cause of the Queen should triumph,—he would tell that individual that he neither understood the interests of England, nor the spirit of the treaty in question. They knew that Europe had been, since the French revolution of July, divided, he would not say into hostile, but into different parties, of which the Members of each have acted together according to their respective principles, and if they have not met in arms, have not done so because of the anxiety which all the Governments of Europe have felt and professed to maintain peace and avoid everything likely to involve Europe in war. The maintenance of peace not only in the Peninsula, but also in Europe, was one great object which that Quadruple Alliance was intended to effect; and in his opinion there was no better guarantee for the continuance of the peace of Europe than that alliance—an alliance founded not on any selfish views of interest, not for any purpose of national aggrandizement, not from the remotest design of aggression against others, but solely for the purpose of preserving the peace of Europe, and maintaining the independence of the states who were parties to it. With regard to the convention, it was clear that it did include the troops who were going from this country; on that point there could not be a question. With regard to their pay—the noble Lord must be fully aware that the British Government had nothing to do with that point. When the noble Lord was pleased to taunt those men who should enrol themselves in the service of the Queen of Spain as mercenaries—ready to call themselves Englishmen to-day and Spaniards to-morrow—as men who disgraced their country, and were about to sell for lucre their own blood and the blood of their countrymen. He could not but express a deep regret that the noble Lord, whom he knew to possess the feelings of an Englishman, and who had devoted his leisure and the faculties of his mind to subjects connected with the history of the country in question, should have felt so coldly on the matter, and that he should take so false and narrow a view of it as to throw out on brave and honourable men imputations so entirely undeserved. Could the noble Lord not conceive that some other motive might lead Englishmen to fight under the banners of a Constitutional Sovereign except the mere lucre of pay.

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* Hansard, vol. viii. (new series) p. 1456.

† Ibid. p. 1458.

Lord *Mahon* said, that he had expressly stated that the motives of these men might be honourable, but not sufficient. He admitted the bravery and the enterprise of these individuals, but that was not enough in his view to justify their proceedings.

Viscount *Palmerston* had certainly understood the noble Lord as dwelling much on personal interest for the noble Lord talked of *condottiéri*, and declared that men were not justified in the eyes of God in shedding the blood of others except in defence of their country—and the noble Lord alluded to the Swiss as an illustration; but of course, if the noble Lord had not expressed such feelings, the observation made by himself in reference to them at once fell to the ground. He had only to state further, that he entirely differed from the noble Lord upon the particular question under discussion; he thought that the Government of this country was perfectly justified, not only by law, as the noble Lord admitted, but by policy, by prudence, and a due regard to its interests, in taking the step which it had taken—a step which was widely different from the measure with which the noble Lord had confounded it, the sending of a foreign army into Spain. For his part he must say he admired these brave men, who were embarking in the cause of the Queen of Spain, and he cordially wished them that success which he confidently believed would attend their efforts. He had, he believed, noticed every point to which it was necessary for him to allude; he would only, in addition, express a hope that if anything further should be said rendering it incumbent on him to make any other remarks, the House would indulge him with the opportunity of so doing.

Colonel *Evans* was ready to repeat the belief which he had formerly expressed, that the Duke of Wellington had fulfilled his duty in reference to the Quadripartite Treaty, however much what had fallen from the noble Lord opposite (Lord Mahon) might seem to imply that he had not. The noble Lord had made some observations in reference to himself and those who were about to embark in the expedition which was to be placed under his command; and the noble Lord had, among other things, spoken of them as men who were ready to call themselves Englishmen one day, and Portuguese or Spaniards the next. He should wish to ask the noble Lord, whether the noble Lord had meant to imply anything disrespectful in the observations he had made, and whether the noble Lord meant to include him amongst those whom he had described as mercenaries.

Lord *Mahon* could have no hesitation in saying, that he had no intention of making any remark disrespectful to the gallant Colonel.

Colonel *Evans* said, the noble Lord had talked of evasive policy, but his answer was evasive. The noble Lord had said, that he meant no disrespect to him personally, was it to the men or to the officers that he meant to apply the language the noble Lord had used? The noble Lord was involved in a series of contradictions and evasions throughout his speech, both with reference to persons and things. The noble Lord might disclaim any intention of conveying disrespect to himself personally; but if he meant to apply disrespect to those who would serve with him, he (Colonel Evans) must say that he should, on their part, treat any such intimation of disrespect towards them with all the disgust and contempt which he should conceive it to merit if applied to himself.

The *Speaker* said, the hon. and gallant officer was making use of strong language and he must be aware that such language was not consistent with the moderation and forbearance usually observed in the House.

Colonel *Evans* had spoken hypothetically and had merely said, that "if" the noble Lord had made such an intimation, he should entertain those feelings; he did not at that moment know whether the noble Lord had or had not, for in some parts of his speech he had said things which he had counter-said in others, and therefore he (Colonel Evans) did conceive that he might be allowed to put the hypothetical case, and might say that if the noble Lord meant to throw out expressions of disrespect, he (Colonel Evans) would return them to him with perfect contempt and disgust. Whether the case was to apply to the noble Lord or not, he could not tell, because he did not know whether the noble Lord meant or not to apply the expressions. The noble Lord had spoken of *condottiéri;* surely that name could not apply to British soldiers under any circumstances! The term *condottiéri* had been applied to a class of men who hired themselves out, but did not fight much; and the noble Lord could not then, he should think, apply it to any of the persons about to engage in the undertaking in question. The noble Lord had spoken also of mercenaries; what was the meaning of that term? It applied to those who spoke, acted, or fought for pay. The noble Lord had said, however, that he did not apply that term to him (Colonel Evans) but he was not willing to accept of a compliment at the expense of those who were engaged with him in the same undertaking. The noble Lord said, that they were mercenaries, but that he (Colonel Evans) was not. He did not see how that could possibly be the case; nor did he see how he himself could be entitled to the appellation because he served under another Government with the permission of his own. If he accepted a Commission in the Spanish service, what did he do more than the Duke of Wellington had done, and was doing now? Was he more of a mercenary than the Duke of Wellington, who was still, he believed, a field-marshal in the Spanish service, or holding a rank corresponding to that? It might be said that he was a mercenary, because he received pay; but was the Duke of Wellington free from that charge. He trusted that no person would think that in that observation he meant to convey anything disrespectful to the noble Duke; indeed he knew of no part of the Duke of Wellington's property more honourable to him than was that which he held in Spain. But it had been given for his military services in Spain; and if he had rightly acquired it, how absurd, how inconsiderate, how unworthy were the paltry imputations thrown out by the noble Lord? There was also Lord Beresford, who held the rank, and was receiving the pay, of a field-marshal in the service of Portugal, and who had also served as a marshal of the Portuguese army under the sanction of the British Government, and he was about to act in a similar manner under a similar sanction—and under one than which he did not conceive he could have a stronger. The noble Lord said, that he (Colonel Evans) and those who would act with him, were equally ready to serve either one Government or another—one set of principles or another set; but was he going to serve in support of principles which he had not hitherto supported? And if the noble Lord would point out any officer or soldier in the force to be placed under his command, who did not more or less participate in the feeling which he himself entertained, and which influenced him, he would engage that that individual should not make part of the expedition. The noble Lord had also alluded to the lowness of his rank, and seemed to question, on that ground, the propriety of his appointment. All he could say on this point was, that he was perfectly ready to admit the moral weight which the rank of the Officer who might be appointed to it, added to the command which he had the honour to receive; but he need hardly inform the House that he had not sought the appointment; that it had been offered to him in a very flattering manner, and that as he had willingly and cheerfully accepted it, so he was ready to resign it to any general or field marshal who was prepared to act on the principles of the noble Lord, which he took for granted were the same as those which influenced the Duke of Wellington: namely, to take such steps as were necessary for putting down Don Carlos. As to his experience he must be allowed to consider the opinion of the noble Lord on that head as one to which he was not certainly prepared implicitly to submit; and as to his devotion to his own country he might, without meaning to attach any undue importance to the services which he had rendered, declare that he had given at all events as strong proof of his attachment to it as any which the noble Lord could adduce. With respect to the charge of being mercenary, he should take no further notice of it than to say that it might perhaps be urged on something like ostensible grounds, if the noble Lord who made it had not required that he should be paid the amount of his quarter's salary for the time during which he remained in office. He was satisfied that the House would expect no further explanation from him; and he should, therefore, conclude by reiterating what he had previously said; that the whole of the noble Lord's speech was a tissue of inconsistencies and evasions from beginning to end, and of denials in one or two points of what he had previously stated.

Mr. *Poulter:* I thank the Government for not having permitted any law or restriction to prevent the gallant spirit and gallant affections of this country from giving their important and animating assistance to a just and righteous cause. I think we must either abandon the Quadruple Treaty, or do more in support of it than we have hitherto done. That Treaty begins by laying down, most distinctly, the great principle upon which it is based—that is, the complete pacification of the two constitutional kingdoms of the Peninsula. The Treaty having done this, seems to have left the precise course of proceeding, and the kind and degree of assistance to be afforded by the contracting parties, to future circumstances and future contingencies as they might arise. At the time of the execution of the Treaty the evil to be overcome was the position of Don Miguel and Don Carlos at the head of a military force in the kingdom of Portugal. When this evil was at an end, the second state of things was connected with the insurrection in the northern provinces of Spain, at that time neither formidable nor dangerous. Under this state of things, France undertook to prevent the transmission of arms and ammunition by the Pyrenees into Spain,—England undertaking to do the same in reference to their importations by sea. A third state of things has now arisen, in the very formidable and fearful character of the increased power of this insurrection. We must now either desert the principle of the Treaty, or go further than we have hitherto done. National interference is inexpedient; and, I ask, can we do less than remove all obstacles which may prevent the subjects of this kingdom from enlisting in the service of constitutional liberty? I regard this Treaty as one of the most beneficial ever executed by this country. It is difficult for the mind to enumerate all the great consequences which will ultimately flow from it. It is a subject of congratulation that the great changes which have taken place in Spain and Portugal have been in both instances conformable to the principles of right and legitimacy. The old Salic law of France was imposed on Spain at an early period of the sixteenth century by Philip 5th, under the grossest intimidation of the Cortez, and of the old Council of Castile; and the abrogation of that law under Charles 4th., though not duly promulgated till the reign of his son Ferdinand 7th, would have been universally acceptable to the Spanish people as a return to the ancient law of that monarchy, had it not been for its connexion with representative Government, which made it odious to the priesthood and to the apostolical party in that country. This case is one of the most singular, or rather the most singular case itself which can occur, in the political world. No doubt a large portion of the people are awaiting in fear and trembling the issue of the conflict. After every deduction, however, there is certainly a considerable body on the side of Don Carlos; but I ask what are they composed of?—a bigotted priesthood—an ignorant and degraded peasantry, —and a soldiery whom I verily believe to have been all along in the pay of the enemies of constitutional liberty all over the world. I feel sure that all the respectable and middle classes—all the merchants and traders, and persons of education, are entirely on the side of the Liberal Government. I think it an additional circumstance in favor of the Treaty that it tends to consolidate and cement the happy connexion now subsisting between England and France. I know that the encouragement of this connexion was sometimes imputed as a fault to the present Government during their former Administration; but I think that these two kingdoms, the very first in the world in literature and science, in the genius of their people, in naval and military renown, in every thing which can constitute national superiority, have been but too long engaged in past times in the most hostile warfare. That hostility has now terminated for about twenty years,—and I hope terminated for ever. Looking forward on futurity, and on a new order of things under a better system of general Government, I know nothing upon which the peace, the happiness, and the improvement of mankind, so essentially depend, as upon the cordial union of these two kingdoms. I admit the faults of France; many ages of misgovernment have made that country to be, in a constitutional sense, still an infant state—she has, indeed, much to learn and to unlearn—she has to abandon her love of military glory—her ancient desire of territorial aggrandizement—to study the principles of a well-regulated liberty, and the true sources of national wealth and prosperity. She having, however, during some years, given us such distinguished proofs of her good faith—having retired instantly on the termination of the successful armament against the citadel of Antwerp—having repeatedly submitted her fleets to the command of England,—I hope she will consent to follow and contemplate the latter as an elder and more experienced State—as her best guide and instructress in the arts of a just government, and a truly national policy. If, however, war should ever become necessary, I hope to see it carried on together by the two most powerful nations of the world; and, on every account, I rejoice in this Treaty, and on the prospect it affords of a speedy triumph to the constitutional cause.

Sir *Robert Peel* said, that nothing was more reasonable than the proposal made by the noble Lord, the Secretary of State for Foreign Affairs (Lord Palmerston), that if any observations were made on the policy of the Act to which his noble Friend had called the attention of the House, which required explanation, he should not be debarred by a rigorous adherence to the rules of the House from meeting those observations. He was bound, in the first place, to thank the noble Lord for the frank and cordial testimony which he had borne to the manner in which the late Government had generally carried into effect the obligations contracted under the Quadruple Treaty, that Treaty being the diplomatic act of a former Government. It was a testimony equally honourable to the noble Lord himself, and to those to whom it was borne, in as much as it proved on the one hand, that no political difference of opinion should prevent an honourable man from doing justice to a political opponent to whom he felt it was due. And on the other, that the pledged faith of the country had been scrupulously observed by those who might have doubted the wisdom of pledging it. The testimony of the noble Lord must be considered conclusive on the subject, because the noble Lord had access to all the official documents, as well as to the most secret correspondence which had passed through the hands of his noble Friend (the Duke of Wellington); and with all the knowledge derived from such sources the noble Lord had not hesitated to declare, that if even the parties to it had been called on to execute that Treaty, they could not have done so in a more honourable and complete manner than that in which the obligations of the Treaty had been executed by his noble Friend. The hon. Member for Westminster seemed to think that the only act done by the British Government in execution of that Treaty was the exportation of 40,000 stand of arms. He apprehended, that whatever the spirit and intention of the Treaty was, all that the British Government was called upon to do was literally and honourably to fulfil the special engagements into which it had entered. The obligations of the British Government under that Treaty were, as he understood them, to afford arms to Spain, to allow the opportunity of getting Spanish vessels repaired in our harbours, and also to give to Spain, if circumstances required it, the aid of a naval force. He was sure the noble Lord opposite would bear out the truth of the observation, when he stated, that though the obligation of supplying a naval force to Spain was in case of necessity imposed on England, yet the law of nations did throw great obstacles in the way of the fulfilment of that special obligation. Without a declaration of war, it was with the greatest difficulty that the special obligation of giving naval aid could be fulfilled without placing the force of such a compact, the performance of which was guaranteed on the existence of certain circumstances, against the general binding nature of international law. Let them take, for instance, a neutral nation requiring arms. Whatever the special obligation imposed on this country might be, it did not warrant us in checking the enterprise of our own countrymen, or preventing that neutral state from receiving a supply of arms. But we had no right, without a positive declaration of war, to stop the ships of a neutral country on the high seas. It was this difficulty of properly adhering to a determination to give just effect to the terms of the Quadruple Treaty (a difficulty which he was sure the hon. and learned Gentleman, the Attorney-General, would readily admit) had been equally felt by the Government of Lord Melbourne, and that by which it was succeeded, and which induced the latter to confine its aid to a limited supply of arms, not from any unwillingness to fulfil the obligations under which this country was placed, but on account of those obstacles to which he had before alluded, and which were found by all Administrations to be insuperable. The Queen of Spain's claims on the cordial assistance of this country are the same as those of any other ally. She had been recognised, no matter by what Government—for he considered nothing of such vital importance to the character and interests of this country, as that the engagements entered into by one Administration should not be disturbed by another of opposite political principles; and upon that principle he should have considered it unjustifiable on the part of the Administration to which he belonged, to attempt to evade the obligations of the Quadruple Treaty (however they might have dissented from the policy by which it had been originally dictated), or to refuse to carry it into operation in a fair, honourable, and equitable manner. But still, consistently with the admission that the Queen of Spain was equally entitled as any other friendly power to the cordial assistance and good wishes of this country, he might call in question the policy of a particular act, which for the first time in the recent history of this country admitted of direct military intervention in the domestic affairs of another nation. The noble Lord had stated that the permanent interests of this country would be promoted by the firm establishment of the Queen of Spain on the throne. That was a doctrine which might, he thought, be carried too far. What limit could be affixed to such a principle? What nation might not find in it a pretext for interfering in the domestic concerns of another. The general rule on which England had hitherto acted was that of non-intervention. The only exception admitted to this rule were cases where the necessity was urgent and immediate; affecting, either on account of vicinage or some special circumstances, the safety or vital interests of the State, and then interference was admitted. To interfere on the vague ground that British interests would be promoted by intervention,—on the plea that it would be for our advantage to see established a particular form of Government in a country circumstanced as Spain was—is to destroy altogether the general rule of non-intervention, and to place the independence of every weak power at the mercy of a formidable neighbour. It might be said, however, that he was not warranted in applying the terms "direct military interference," to the expedition which had been sanctioned by the Government. How did it, in principle, differ from such an interference? It was impossible to deny that an act, which the British Government permitted, authorizing British soldiers and subjects to enlist in the service of a foreign Power, and allowing them to be organized in this country, was a recognition of the doctrine of the propriety of assisting by military force a foreign Government in an insurrection of its own subjects. When the Foreign Enlistment Act was under consideration in that House, the particular Clause which empowered the King in Council to suspend its operation was objected to on this ground—that if there was no Foreign Enlistment Act the subjects of this country might volunteer in the service of another, and there could be no particular ground of complaint against them; but that if the King in Council were permitted to issue an order suspending the law with reference to every belligerent, the Government might be considered as sending a force under its own immediate control. The noble Lord had stated, that the insurrection in Spain was confined to the Biscayan provinces. The noble Lord had not, he thought, escaped from the dilemma in which his noble Friend had shown him to be situated—namely, that if the Queen's Government were established in the general affections of the people—if those who, it was said, possessed intelligence, opulence, and knowledge of political rights, and who were in favour of her Government, preponderated immensely over those engaged in the insurrection, why did they not put it down without calling for the assistance of any foreign power? But if, on the other hand, it happened that the Question was a disputed one—that the opinions of the people were nearly equally divided—and if the difficulty of suppressing the insurrection arose from the fact, that the Pretender to the Throne had support nearly as powerful as its possessor—we had, in that case, embarked in a contest, the issue of which could not now be foreseen, and the settlement of which by our arms, if the precedent of such intervention were once established, must lead to eternal turmoil and warfare. To succeed by our arms, too, would be a perpetual source of weakness to the Queen's Government. The Queen had an army of 54,000 men. How came it, again he asked, that with this preponderating force, with all the intelligence and wealth of the commercial towns ranged, as was said, on the Queen's side, that the insurrection was not yet put down? And where was the security that that Government, which could not suppress an insurrection without foreign aid, would maintain itself by its own native vigour? The noble Lord, however, had stated, that the spirit of the Treaty justified the expedition. The spirit of the Treaty never contemplated, in his opinion, military intervention by any of the parties to it; on the contrary, it rather excluded military intervention. But he would say no more on the foreign policy of the Act, and would only further make a few observations with reference to the bearing of the Order in Council on the domestic concerns of this country. He held, that with respect to them it would be a most dangerous precedent. First, there was no restriction, as far as it appeared, with regard to the number of the men to be enrolled. He would ask the noble Lord (the Secretary of State for the Home Department) if any limits had been assigned since the Order in Council to the number of men to be enrolled? Had he made any private arrangements on the subject? Had he been authorized to do so? He did not take the particular case, he was arguing on the principle; and he asked if there were anything to prevent the enrolment of 5,000 men, and their retention in this country for an indefinite period previous to their embarkation? Thus they would be British subjects in the service, say, of the Queen of Spain, bound together by new associations, and, at least, while abroad, acknowledging immediate allegiance to another sovereign. He wished to ask, under what system of discipline they were to be? He perceived the force was styled, the British Auxiliary Force, and one of the regulations stated, that the men during their stay in Spain would be subject to the British military law. He could not exactly understand that. The regulation assumed that it would be possible to apply the military code of this country to troops in Spain. He asked the Attorney-General and the noble Lord (Russell) could they be so subjected to it? Would any voluntary arrangement of submission on the part of the soldiers be binding? He apprehended not. Their refusal to obey would be sufficient. Any punishment inflicted on them would be illegal. Therefore he thought it would be impossible to apply our military code in another country. Whatever might be their numbers, whether 5,000, or 10,000; whatever might be the service in which they were engaged, he looked upon the principle of permitting the enrolment, and discipline of troops here for a foreign State, as pregnant with great dangers. These men were to go to Spain, to engage in warfare, and contract its habits. The House had a right to be satisfied touching the discipline under which they would be placed. They had a right to know whether men who might shortly be returned to their native country, were under the same control with the private soldier here, who looked to the state for his reward on the termination of his service. In conclusion, he would say, both with reference to our foreign and domestic relations, he doubted the policy of the present proceeding. He viewed the principle, the precedent, and the power of perverting it with serious alarm.

Viscount *Palmerston* begged the indulgence of the House while he offered a few remarks in reply to the right hon. Baronet. The right hon. Baronet had admitted the necessity of carrying the Quadruple Treaty into effect. He begged, therefore, to recal the attention of the House to the circumstances under which the Quadruple Treaty was signed. Don Carlos and Don Miguel were then in Portugal. The claim of Don Carlos to the Throne of Spain had been set aside by what was considered throughout Europe as perfectly competent authority. This country immediately acknowledged the right of Queen Isabella to the

Crown of that country. At that time the Spanish Government wished to send a military force to Portugal, in order to expel from that country Don Carlos, who was organizing a military force for the purpose of invading Spain. They called on the Portuguese Government to expel Don Carlos from Portugal; and the Portuguese Government, being unable to do so, declared that they had no objection to allow a Spanish military force to enter Portugal for that purpose. The two powers having thus come to an understanding on the subject, it became necessary that that understanding should be recorded in a Treaty; and it was therefore deemed expedient by the Governments of England and France to adopt the agreement which had been entered into by the Governments of Portugal and Spain, and to become parties to the Treaty concluded between those powers. Now, what was the preamble of the Treaty in question? How did it state the objects which the contracting parties had in view? The preamble declared that "Her Majesty, the Queen Regent of Spain, during the minority of her daughter Dona Isabella 2nd, Queen of Spain, and his Imperial Majesty the Duke of Braganza, Regent of the kingdom of Portugal and of the Algarves in the name of the Queen Donna Maria 2nd, being impressed with a deep conviction that the interests of the two Crowns, and the security of their respective dominions, require the immediate and vigorous exertion of their joint efforts to put an end to hostilities which, though directed in the first instance against the throne of her most faithful Majesty, now afford shelter and support to disaffected and rebellious subjects of the Crown of Spain; and their Majesties being desirous, at the same time, to provide the necessary means for restoring to the subjects of each the blessings of internal peace, and to confirm, by mutual good offices, the friendship which they are desirous of establishing and cementing between their respective States, they have come to the determination of uniting their forces, in order to compel the Infant Don Carlos of Spain, and the Infant Don Miguel of Portugal, to withdraw from the Portuguese dominions." The immediate object of the treaty, therefore, was to establish internal peace in the Peninsula; and the means by which it was proposed to effect that object was the expulsion of the Infant Don Carlos and the Infant Don Miguel from Portugal. The preamble went on to state that the Kings of England and France, desirous of assisting in the establishment of peace throughout the Peninsula, acceded to the engagements proposed by the respective regencies of Portugal and Spain. It was clear, therefore, that although the immediate operation of the treaty was confined within the Portuguese dominions, the ultimate object of it was the pacification of the whole Peninsula including Spain as well as Portugal. When Don Carlos returned to Spain, it was thought necessary to frame additional articles to the treaty, in order to meet the new emergency. One of those additional articles was, "His Majesty the King of the United Kingdom of Great Britain and Ireland engages to furnish her Catholic Majesty with such supplies of arms and warlike stores as her Majesty may require, and further to assist her Majesty if necessary with a naval force." Now he (Lord Palmerston) believed that the writers on the law of nations all agreed that any Government thus agreeing to furnish arms to another must be considered to take an active part in any contest in which the latter might be engaged; and the agreement to furnish a naval force, if necessary, was a still stronger demonstration to that effect. If, therefore, the right hon. Baronet objected to the recent Order in Council on the ground that it identified Great Britain with the cause of the existing Government of Spain, the answer was, that by the additional articles to the Quadripartite Treaty that identification had already been established; and that one of those articles went even beyond the measure which was at present impugned. He did not mean to say, however, that the right hon. Baronet was bound to concur in the policy of the proceeding; for the right hon. Baronet, though he had no right to question the principle of the proceeding, had a perfect right to contend that the measure which had been adopted was not the most expedient way of fulfilling the engagements which had been made. He would now advert to what had fallen from the right hon. Baronet with respect to the danger of establishing a precedent for the interference of other countries. In the first place, the present interference (for he took it to be generally allowed that it was in principle an interference) was founded on a treaty arising out of an acknowledgement of the right of a sovereign, decided by the legitimate authorities of the country over which she ruled. In the case of a civil war, proceeding either from a disputed succession or from a long revolt, no writer on national law denied that other countries had a right, if they chose to exercise it, to take part with either of the two belligerents. Undoubtedly it was inexpedient to exercise that right except under circumstances of a peculiar nature. That right, however, was general. If one country exercised it, another might. One might support one party, another the other; and whoever embarked in either cause must do so with their eyes open to the full extent of the possible consequences of their decision. He contended, therefore, that the measure under consideration established no new principle, and that it created no danger as a precedent. Every case must be judged by the considerations of prudence which belonged to it. The present case, therefore, must be judged by similar considerations. All that he maintained was, that the recent proceeding did not go beyond the spirit of the engagement into which this country had entered, and that it did not establish any new principle and that the engagement was quite consistent with the laws of nations. The right hon. Baronet had adverted to another circumstance which was well worthy of attention: he had pointed out the inconveniences which might arise if troops raised by the Government of Spain in this country were to be organized and trained within the realm. But when the papers for which the noble Lord had moved should be on the Table, the right hon. Baronet would see that his Majesty's Government, in answer to the application which had been made by the Spanish Government, had stated that the disciplining, training, and organizing of the troops in question could not be allowed to take place in this country; but that those troops must be sent to Spain in detachments, as they were raised; for that, however great the wish of the Government was to assist the Queen of Spain, the continuance of the troops for any length of time in this country could not be permitted. With respect to another observation which had fallen from the right hon. Baronet, he (Lord Palmerston) could not conceive that any greater inconvenience could arise from the return of these troops whenever their term of service was expired, than arose every month in the year from the discharge of men belonging to our own army, who had not acquired a claim to any pension. This was an occurrence continually happening; and those hon. Members who were acquainted with military affairs well knew that men might serve in our army for a much greater length of time than that for which the service of the troops now raising by Spain would probably be required, and yet on their discharge without pensions no inconvenience would accrue. He trusted he had shown that the object of the treaty, in its origin, was not merely the expulsion of Don Carlos from Portugal, but the pacification of the whole Peninsula, and that with respect to the additional articles in which Great Britain was concerned, they went farther than the particular assistance which was now afforded.

Mr. *Fector* considered that he should compromise his dignity as a British senator, and his duty as a British subject, if he did not raise his voice against the course taken by the Government of the country on this important Question. He deeply regretted that any British Government or Administration should tarnish for a moment the laurels that had been so nobly acquired by a British army in the Peninsula, and that an army of mercenaries should now be sent out thither from this country under the auspices of His Majesty's Principal Secretary of State for Foreign Affairs. He used the word "mercenary" without intending it at all offensively to the hon. and gallant Officer (Colonel Evans) who was to be the future Commander-in-chief of this force; but he called the force "mercenary" in the ordinary meaning of the term, as applying to a body of strangers fighting for hire in a country with which they had no connexion. He was quite ready to give to the gallant Officer full credit for honourable and gallant feeling, and for motives of bravery, for he understood the gallant Officer had already bled in the service of his country; yet, with all this, he could view him only as at the head of a body of mercenary troops, got together, it was said, to support the cause of liberality, but, as it appeared to him, they cared not so much for the cause as for the pay. They had no connexion with the country, and that cause could not justly be called liberal which opposed the rights of his Majesty Don Carlos of Spain, who was at the head of the legitimate Government. He would assert that the actual Government of the country was under the domination of an ambitious and unprincipled female. He had no hesitation in avowing his decided opinion as to the legitimate right of Don Carlos, as his

(Don Carlos's) principles were those which he (Mr. Fector) advocated. With these feelings he must denounce the course taken by Government in the case of Spain, which he maintained was one in which we had no right to interfere. He could not too strongly deprecate the policy of the Quadripartite Alliance.

Mr. *Ward* said, after the magnificent introduction of the hon. Member for Dover, he had expected something like argument and fact, but he had heard neither the one nor the other, except that what he considered a fact, that Don Carlos was King of Spain, not by the grace of God, but by the grace of the hon. Member for Dover. He would not enter into the question of legitimacy, but come at once to the point, and say that the noble Lord, by the course which he had pursued, had impeded the progress of other important business, without the prospect of obtaining any beneficial object. He was aware that the noble Lord had given way on Monday, but what had he obtained by persisting in bringing forward the Motion of that evening? He had got the consent of the noble Lord, the Secretary for Foreign Affairs, for the production of the papers, with the contents of which every one in the House was perfectly well acqainted. [Lord *Mahon* said, they were not in the hands of any body but his Majesty's Ministers.] That might be strictly the fact, but they were accessible to all, and the fact was their contents were already well known throughout the country. The noble Lord had not brought forward the question in a shape in which the House could come to a vote, and, in saying so he did not mean to impute any indirect or unworthy motives, but if he had made a Motion to the effect that this interference was un-English (the term made use of by the hon. Member for Dover), if he had put the question as to the rights of Don Carlos, in such a shape as the Commons of England could express their opinion, he had no hesitation in saying what would have been the result. From the terms of the Treaty read by the noble Lord the Secretary for the Foreign Department, he had no hesitation in saying that this country was entirely justified in the course which she had pursued. The right hon. Baronet had doubted the right of this country to blockade the ports of Spain in case the Northern Powers should consider themselves justified in sending succours to Don Carlos. He opposed the arguments of the right hon. Baronet with great diffidence, but it appeared to him that when this country was in alliance and conjunction with a foreign Sovereign, against her rebellious subjects, we were clearly justified in taking every step allowed by the treaty into which the four countries had entered, to assist that Sovereign. But, putting that treaty out of view, were there no English interests connected with that country which authorised us to interfere? Were not the Spanish Bonds recognised by the late King of Spain, and was not that recognition sanctioned by a deliberate resolution of the Cortes. But there was another point. Was not this country interested in the settlement of the dispute between Spain and her colonies in South America? And he must candidly say, from what he knew of the subject, that we could have no hopes of the settlement of the disputes, or of a recognition of the independence of the Spanish colonies, from a Government at the head of which was Don Carlos. He knew well the reluctance evinced by the late Government to consent to their independence, and he was convinced that the same reluctance would be shown by any Ministry appointed under the dynasty of Don Carlos. Another question arose, was the step likely to succeed? And, in answer to that, he would say that it was the most proper mode to conciliate the feelings of the Spaniards. The noble Lord had said, something about the abhorrence with which Spaniards regarded the interference of foreigners, and thereby prognosticated the failure of the expedition. But he had a right to ask, what was the abhorrence of foreigners displayed by the Spaniards when the British troops entered Spain in 1809. He had a right also to ask how that abhorrence of foreigners was exhibited in 1823, when the French invaded the country, and took complete possession of it without shedding a drop of blood? What reason had they to suppose that the feelings of the Spanish people would be different on this occasion, when nine-tenths of them were in favour of the Queen's Government? The fact was, that the contest was carried on only in one corner of the country, where the inhabitants had some privileges to preserve. These persons cared little or nothing about the Monarch that should rule at Madrid, provided their ancient rights were left undisturbed. He therefore must say, that those persons who had these anticipations regarding the feelings

ings of the Spaniards, or who exclaimed against his gallant Friend, and the gallant officers that were to accompany him, and described them as mercenaries, were advancing doctrines for which in the history of nations there was no authority. Why, was it not well known that on the introduction, or rather the origin of Protestantism in Germany, foreign troops were engaged for the purpose of establishing the reformed religion in that country, and might not the same means be legitimately used for establishing constitutional liberty in Spain? The noble Lord had thrown out a sort of taunt against the Gallant Officer because he was only a Lieutenant-Colonel on half-pay. Another charge against him was, that on taking the command he did not resign his seat for Westminster. He was not surprised at the desire expressed by the noble Lord (Lord Mahon) that his hon. and gallant Friend (Colonel Evans) should vacate his seat for Westminster previous to his assuming his command in Spain. It was well known that his noble Friend (Lord Eliot), whom he also had the pleasure of knowing and of esteeming, as all who knew him must do, was the Chairman of the Westminster Conservative Society, and the noble Lord (Lord Mahon) might very naturally desire to get his noble Friend to step into the shoes of the hon. and gallant Officer, as Member for Westminster. The hon. and gallant officer, too, had been raised to the rank of a Lieutenant-General in the Queen of Spain's service, and he would go out with that *prestige* of military rank that would aid in its way that cause to which the skill and bravery of his hon and gallant Friend would under any title so mainly contribute.

Mr. *O'Connell* said, he rose to notice what he considered an omission on the part of the noble Lord, the Secretary for Foreign Affairs, and regretted that this subject had not been alluded to by the noble Lord, at least alluded to in such a way as to lead to the hope of a satisfactory conclusion; he meant the interference of the British Government for the settlement of the dispute between the Spanish Government and the Biscayans relative to the privileges which they had long enjoyed. He trusted that the Government of this country would use its influence with the Government of Spain, and point out the interest which the Spanish Government had in acceding to the wishes of the inhabitants of the northern provinces. He was sorry that the hon. Member for Dover had left the House, for the purpose, probably, of taking refreshment after his great labours—but if he had been in the House, he would have told him that in his eager anxiety to cast reproach on the present Government for the support it gave to Spain; he had also visited the Constable of Dover Castle with his reprobation. Why, the noble Duke said, he had sent out 40,000 stand of arms to Spain, and the noble Lord, the Foreign Secretary, had admitted that his predecessor had candidly carried into effect, as far as he was concerned, the articles of the Treaty, not only by supplying the Spanish Government with arms, to be used against his Majesty Don Carlos, King of Spain, as the hon. Member for Dover was pleased to call him, but also as regarded that part of the Treaty by which we were to assist Spain with a naval force, if necessary; so that the Queen of Spain had not only been recognized but supported against the Usurper by the noble Duke. Yet all the anger of the hon. Member had been reserved for the present Government. But to come to the point, and speak seriously, he must protest against any Member of the British Senate calling Don Carlos King of Spain. The Salic law was introduced by the Bourbons to suit their own purposes; it was introduced against the will of the people of Spain, and he was therefore justified in saying that Don Carlos was no more Sovereign by right than by fact, and he trusted that by English arms and English valor he would soon find that he had no prospect of establishing himself as King of Spain, either *de jure* or *de facto*. The right hon. Baronet seemed to have some doubt respecting the advantage which this country would derive from the establishment of a Constitutional Government in Spain. Now he would ask was it a matter of indifference whether a despotism or a liberal Government prevailed in that country? Was it not the policy and interest of England to support liberal institutions, when they remembered that the Holy Alliance was not dead, but only asleep, and that it was the anxious wish of the Members of that society to extend their dominion not only to Spain and Portugal, but also to this country, and exercise the same despotism which they practised in their own States as well as over every part of Germany. The right hon. Baronet had complained of the course adopted by the Government in encouraging the enlistment of Britons to serve in the cause of freedom in Spain. Now he must take the liberty of saying, that the right hon. Baronet said so because he was not a Whig, for he must know that our glorious Constitution was obtained by the help of Dutch troops. There was one point, however, to which he wished particularly to call the attention of the House. Two discussions had already taken place on the mission of Lord Eliot and it was agreed on all hands that the mission was deserving of every praise—that its object was, to put a stop to the shedding of human blood, yet no Member of the House had come forward and called on the British Senate to raise its voice against the horrible cruelties which had been committed, against the murder of unarmed men in cold blood—in tranquillity and in perfect security. Every one knew the case of the young O'Donnell, and his atrocious murder by the monster Zumalacarreguy. That officer had been taken prisoner, and an offer was made to spare his life if he would recognize Don Carlos. He gallantly refused, and was shot like a dog. Every one shuddered at the thoughts of such murderous deeds, but it was just to say, that the cruelty was not confined to one side. When he read the monstrous proclamation of Mina, he repented that he had ever been in his company, and still more that he had ever paid him the compliment of acting as a steward at a dinner given to him in London, and the only thing that remained for him now to do was to express his utmost indignation at such brutality. He said, therefore, that instructions ought to be sent out that the British Government and the British House of Commons would shun with horror the wretches who had recourse to such inhuman practices. They all remembered the horror with which they read the accounts of persons poisoning wells in ancient times, and surely that crime was not greater than putting brave men to death in cold blood. Much had been said against Bolivar. Now, he had followed the career of that commander—he had watched his character; and, though he was bound to admit that he had retaliated for a time, he at last adopted the right course, and declared that liberty was not worth obtaining if it was to be acquired by putting unarmed men to death. He discontinued the practice, and his conduct had such influence on the Spaniards that the cruelty on both sides soon ceased. He trusted, therefore, that when his gallant Friend went out to that country such barbarities would be put an end to; for he knew that his gallant Friend would shun all fellowship with men who could conduct themselves with such barbarous cruelty. That was the way in which, if no other way was adopted, this country might put an end to those horrors, and prevent their recurrence.

Mr. *Grove Price* believed that Zumalacarreguy was the first to wish to terminate the sanguinary practice to which the hon. and learned Member for Dublin had adverted; but when he proposed to Mina an exchange of prisoners the answer was that he had no prisoners to exchange for that he had shot them all. Something had fallen in the early part of the debate which had given great pain to himself personally, and he had no doubt the House at large. Something like a misunderstanding had arisen between his noble Friend (Lord Mahon) and the gallant officer the Member for Westminster, in consequence of the application of a particular term to troops employed for pay to serve in a foreign country. The subject was a painful one to discuss in the presence of a Gentleman who appeared in the double capacity of a Member of that House and the commander of such a force. However unwilling he might be to offer one word that could be offensive personally to the gallant Officer, the gallant Officer must still give him leave and licence to animadvert, as a public man, as strongly as he chose, keeping always within the rules of order laid down by the House, upon any measure that might be brought before it, more especially when it related to so important a matter as the enrollment of British troops for purposes so ambiguous as those alleged in the present instance. He admitted, and admitted frankly, to the gallant Officer, that he believed no sordid idea of pay, no idle motive of fresh distinction, induced him to draw his sword in the cause of the Queen of Spain. He believed he was solely actuated by a gallant but mistaken enthusiasm. He did not apply to the gallant Officer the harsh term of "mercenary" or leader of *condottiéri*, but he thought that the term might well be applied to the common soldiers who were to serve under him, who could have no interest in the cause, who were wholly unacquainted with the political state of Spain, and to whom it might reasonably be supposed it was a matter of perfect indifference whether the Princess, Christina, or Don Carlos, sat upon the throne of that country. It was to them, and not to the gallant Member, or the officers who proposed to serve under him, that he (Mr. Price) would apply the term "mercenary." True, the gallant Officer had declared that he would dismiss every soldier who felt no enthusiasm in the cause, or who did not heartily approve of it; but if the gallant Officer acted up to the letter of that declaration he (Mr. Price) believed he would sail from the shores of England with an expedition formed of many officers as gallant perhaps as himself, but with a very small proportion of common soldiers. Passing from the gallant Officer and the motives and views which induced him to enter upon this undertaking, he came next to the noble Lord, the Secretary for Foreign Affairs, whom he most heartily congratulated on putting aside all former volumes of the laws of nations—all former rules by which Statesmen had been guided—by which the ablest men, since the modern civilization of the world had been actuated; and on coming forward as the author of a new code. Was it not very extraordinary that, amidst all the complicated events of the last century and a half, no statesmen in this country had ever for a moment dreamed, not of declaring war, but of allowing a *quasi* war silently to go forward, not under the command of the Sovereign but prosecuted in another name for her interest, and thus, by underhand means, to strike an unconstitutional blow, which England, in her avowed character, did not choose to strike herself? The very absence of all authority upon the point ought to have told the noble Lord, if he thought for a moment upon the subject, that he should pause before he assented to the formation of such an expedition as that of which the gallant Officer was to have the command. What posterity would say as to the introduction of this new page in the laws of nations and of England was another question; but this he (Mr. Price) would say, that if the cause for the expedition were held to be sufficient—if a new principle were to be laid down by which the people of this country were to be permitted to issue forth, like bands of Crusaders, to fight battles not their own—let it be pronounced boldly—let it be declared honestly—let our fleets and armies be sent forth and let it be avowed to the world, that England came forth as the champion of what she deemed the Liberal Cause—but let them not take a step by which unhappy men, excited by the feelings of the moment, might be induced to carry their arms into a foreign country, to take part in a quarrel in which they could feel no interest thereby infringing at once the acknowledged laws of nations and the sacred law of God. He said that any man who took up arms for mere pay—who engaged in a war, not of honour, in the defence of his country, or under the command of his Sovereign, doubtless infringed that commandment which said "Thou shalt spill no blood." He wished to ask the noble Lord, the Foreign Secretary, whether he was willing to oppose all the principles which had been laid down by Mr. Fox upon the subject of intervention in the domestic affairs of Foreign States? Mr. Fox laid down this principle, that there was no right for one country to interfere in the internal affairs of another unless the state of things in the one endangered the safety of the other. That was the broad line drawn by Mr. Fox—that was the broad principle upon which every Foreign Minister in England ought to act. Moreover, it was a principle to which, if we did not rigidly adhere, the result in a short time would be, that Europe, now divided into two great parties, on every occasion where a dispute arose between two States would be sending forth her mercenaries to fight on the one side or the other, and thence throughout the Continent would ensue a struggle as violent and as bloody as that which formerly took place between the supporters of oligarchical and democratical principles. Such a state of things once induced, if there was a weak and unguarded point of the British empire,—if, within her shores, there was a body of persons professing to have grievances, complaining of being harshly and cruelly used, asserting that they were writhing under an iron yoke—and such words were commonly to be found in the vocabulary of most demagogues—if, from such circumstances, any weak or vulnerable point could be found in the kingdom—England must expect to have turned upon her own head the consequences of the course which she was now pursuing towards Spain. He (Mr. Price) repeated that this country had no right whatever to interfere in the internal domestic question in Spain of—whether Don Carlos or the Princess Isabella should occupy the Throne. It was a Spanish affair from beginning to end, and an affair which Spaniards alone ought to determine. If, indeed, the noble Lord's statement were true, it was an affair which threw discredit on the whole Spanish nation. It was a discredit to them if, as had been stated, nineteen-twentieths of the Spanish nation were so feeble, so apathetic, so utterly lost to all proper principle, so little wanting in attachment to their new and liberal Government, that they were obliged to search through every shamble in Europe, to find men ready to fight their quarrel for them. This he would say, that if, under such circumstances, a single foreign soldier landed on the soil of Spain, the honour of that country would be extinguished for ever.

Mr. *Henry Bulwer* merely wished to make one or two observations in reference to what had fallen from the right hon. Baronet (Sir R. Peel). The right hon. Baronet, in the first place, spoke against the Order in Council as an act to be regretted, because, in his opinion, it was adopting a line of policy which would sanction other Governments in interfering in case of any domestic differences in this country. He (Mr. Bulwer) begged to ask the right hon. Baronet this question,—What course did the right hon. Baronet himself pursue under similar circumstances? The right hon. Baronet came into that House, of which he was so great an ornament, in the year 1810. Not many years afterwards, the remarkable event took place of Buonaparte's landing from Elba, and passing without opposition through the whole of France, and arriving at Paris, the capital of that country. The question was then agitated in the British House of Commons, whether it was expedient or right for the Government of this country to interfere in the affairs of France; and after an animated discussion upon the subject, it was at last determined that England should interfere, and that she should do so at a much greater cost of public money, and a much greater expenditure of British blood, than could possibly result from the interference which it was now proposed to make in the affairs of Spain. He begged to ask the right hon. Baronet whether he did not give his sanction to the Government which adopted that course, and which interfered in domestic dispute in a foreign nation, where nearly the whole of the nation was arrayed on one side, and none but foreign troops on the other? It was well known that the right hon. Baronet had given his support to the Government who pursued that course, and in his opinion, the right hon. Baronet was perfectly justified in so doing. But, then, the right hon. Baronet inquired, "How, if you adopt this course, can you prevent other Governments from interfering?" Might he (Mr. Bulwer) be allowed to answer that question by asking another? Had we, in the course we had hitherto pursued, prevented other Governments from interfering? Did the Austrian Government stop to ask the advice of England when she marched her troops into Bologna? Not only did she not wait to ask our advice, but she marched them with such sudden rapidity, that they arrived at their destination before the Secretary for Foreign Affairs in this country had received intelligence of their having set out. Whatever other evils might attend the course which the Government now proposed to pursue, this evil at least would not attach to it—that they were setting an example which had never before been acted upon. The hon. and learned Member for Sandwich (Mr. Grove Price) had declared, that the course proposed to be taken was a perfectly new course. He (Mr. H. Bulwer) maintained it was not a new course. What course did Elizabeth pursue in times and under circumstances almost exactly resembling those in which we were now placed? The course then pursued by that sagacious Queen, was precisely similar to the course proposed to be taken by his Majesty's present advisers. Spain was internally disturbed; Elizabeth interfered, not by declaring war against the Spanish monarch, but by allowing her subjects to take part against him. She allowed 10,000 men to enlist in the service of the Netherlands, under the command of Sir Horace Vere. As to the other argument used by the hon. and learned Gentleman, that the common soldiers would know nothing about the merits of the cause in which they were embarked, he (Mr. Bulwer) very much doubted whether the men who had served so gallantly under the noble Duke (Wellington), in the late war in the Peninsula, knew anything more about the merits of the cause for which they were fighting than that an enemy was before them whom they were bound to beat.

Sir *John Elley* rose to speak rather in a military than in a political point of view. He agreed most cordially in the opinion of the hon. and learned Member for Dublin, that every conciliating measure of interference ought to be resorted to, with regard to the present circumstances of Spain, before any auxiliary troops were allowed to enter that country. But if, under any circumstances, these British troops were allowed to enter Spain, it immediately became necessary to ascertain how the Finance

Department was to be conducted. From statements which had been made in the course of the discussion that evening, it appeared that the Spanish Government was to defray the expense of this auxiliary force. Now, if the House depended upon the faith of the Spanish Government, he apprehended it would be very liable to be led into error; because a nation which was not capable of paying the interest even of what it owed, was not likely to possess the means of furnishing a very considerable sum, instanter, for the support of foreign troops. He feared, therefore, that if the faith of Spanish promises only were relied upon, the expense of providing these troops would eventually fall upon this country. Everything that a dauntless soldier could achieve, he was convinced his gallant Friend, the Member for Westminster, would accomplish. He only lamented that he was not going out in command of troops in a complete state of discipline. To show the paramount importance of discipline, he need allude only to the state of the French army at Waterloo. On that day the French Infantry behaved differently to what they had ever done on any other occasion, and the difference of their behaviour was to be attributed to the hasty manner in which the army with which Napoleon entered the field had been congregated. Gathered promiscuously from all parts of the empire, they had never acted together as troops before, and were officered by persons who were wholly unknown to, and unconnected with them. Hence there existed amongst them a great want of union and of confidence. Yet these troops had been well trained (an advantage, perhaps, which his gallant Friend would not enjoy), but brought together under the circumstances he had mentioned, their discipline was far from being complete, and hence the disastrous result of the battle in which they were engaged. What, then, could be the expectations of his gallant Friend? With undisciplined troops what could he expect to achieve? As one intimately acquainted with the Spanish Peninsula, he could tell his gallant Friend, that unless his troops were well disciplined, his difficulties would be insurmountable. It required the best state of discipline in troops to conduct war in that country. Was his gallant Friend to rely on the assistance of any Spanish troops, or was he to fight the battle with his own unaided forces? In either case he must have a place for his magazines—a general knowledge of the country—a system of strategy and tactics: these it would be absolutely necessary for him to possess, and, beyond that, he must have a fearless mind that would stand responsibility under any circumstances. He advised his gallant Friend never to leave this country unless he had in his military chest such an amount of money as would defray the expense of his army for at least six months. Whatever promises the Spanish Government might make, he would venture to say they would never be performed. He had served a long time in the Peninsula, and was tolerably well acquainted with the disposition of the Spanish people. He knew they would promise anything, and he was equally certain they would perform nothing. Neither was any reliance to be placed upon any information they might pretend to afford. He had known them send intelligence one moment, which they the next were compelled to contradict. He had known intelligence coming even from Madrid to the British General, desiring his army to hold its ground, when, at the very same time, the enemy had taken possession of Madrid. If his gallant Friend were to be exposed to a like want of accurate intelligence, what could he expect to perform —what operation could he undertake, what end could he achieve? He thought that all these matters should be made known, because as things at present stood, he thought England would eventually become the paymaster of these auxiliary troops. At all events he entreated his gallant Friend not to stir unless he carried with him the sinews of war.

Mr. *Maclean* saw no analogy between the two cases referred to by the hon. Member for Mary-la-bonne (Mr. H. Bulwer) namely, the return from Elba, and the furnishing of auxiliary troops by Elizabeth; he saw no analogy between these two cases and the case now under consideration. —[*Cries of " Question!"*]—He would not detain the House longer than to ask the noble Lord, the Secretary for Foreign Affairs, whether the Northern powers had not withdrawn their Ambassadors from Madrid, and whether some of the Southern European powers had not refused to recognise the Queen's authority?

Lord *Palmerston* thought it was generally known that Russia, Prussia, and Austria had not, at present, any Ambassadors at Madrid. He thought it also was well known that the King of Naples had protested against the change in the order of succession.

The *Speaker* felt it his duty to state, that what passed in the early part of the debate between the noble Lord and the gallant Member for Westminster had left, as he understood, an unsatisfactory impression on the mind of the noble Lord. He understood the noble Lord to have admitted, that while the motives of the gallant Officer and his associates were truly honourable, yet as a Member of Parliament, he could not approve the course they were pursuing, even though their motives were honourable. The gallant Officer, not having correctly understood the argument of the noble Lord, had repelled the imputation in strong language. After an explanation from the noble Lord, he put the case hypothetically, and although he reiterated his hypothetical case, it was merely for the purpose of vindicating himself from the charge of having been out of order, and not with any view of giving offence to the noble Lord. If the House concurred in the accuracy of this statement, he hoped that the noble Lord would feel satisfied, and that both parties would express their satisfaction, and thus put an end to all unpleasant feeling.

After a short pause,

Sir *Henry Hardinge* said, I was not in the House when the noble Lord made use of the expressions which seem to have given offence to the hon. and gallant Officer. I therefore rise with some difficulty. I heard the expressions made use of by the gallant Officer in reply to my noble Friend, but as I did not hear the remark which gave rise to those expressions in reply, I stand in the position of one who has heard only one side of the question. But it appears to me from what I heard that the exposition which you, Sir, have made is so correct and so satisfactory, that there ought now to be no difficulty on either side in coming to a satisfactory arrangement. I hope whenever I rise in this House after any misunderstanding between two of its Members, I shall always do everything in my power to conciliate. I therefore repeat that after what has been said by the Speaker, I think my noble Friend ought to rise in his place, and state whether, under the circumstances which have been explained, he is satisfied with the explanation which has been made. But I am bound, at the same time, to say that sitting near my noble Friend at the time, that the discussion took place, I did collect from him that he was not satisfied, and I do think that under these circumstances the interposition of the Speaker has been absolutely necessary. I think I am confirmed in that impression by the silence of my noble Friend, and by his refusal to get up after what has just been stated from the Chair. I declined to give any advice or to speak with my noble Friend upon the subject when he referred to me in the early part of the evening, because I thought that by so declining I might afterwards rise in my place and perform the part which I am now endeavouring to do. It appears to me that the gallant Officer, in the first place, stated, not hypothetically but positively, that he received the expression of my noble Friend with contempt and disgust; and that when the Speaker called on the gallant Officer to give some explanation of those expressions, then the gallant Officer stated the case hypothetically , and said. "If the noble Lord means to say so and so, then I tell him I receive it with contempt and disgust." Now I gathered from my noble Friend that he considered this hypothetical case as a repetition of that which he had, in the first instance, conceived to be offensive. But I think, after the interference of the Speaker, and with the feelings which the gallant Officer must have, that there was no intention on the part of the noble Lord to state any thing discreditable to him or to the officers who were to serve under him, an arrangement should at once be entered into to prevent this matter from proceeding further. When my noble Friend said, that the troops employed in his service must be regarded as mercenaries, the gallant Officer must have had the same impression as any other gentleman, that soldiers who are not employed in the actual service of their country, but enlist in another service, may, without the slightest imputation of dishonour, be called mercenaries. The gallant Officer opposite, however, took offence at the terms employed by my noble Friend; but as my noble Friend subsequently guarded himself against being supposed to impute any improper motive to the gallant Officer, I think the matter may now terminate in a very satisfactory manner to both parties [*cries for Lord Mahon to rise*].

Mr. *O'Connell:* I feel bound to declare, on behalf of the hon. and gallant Member for Westminster, that the expressions he used appeared to me in the first instance to be quite hypothetical.

An *hon. Member* on the Opposition side of the House was understood to say that his impression of the language of the gallant Member for Westminster was the reverse of that stated by the hon. and learned Member for Dublin.

Mr. *Ward*: I was sitting close by the hon. and gallant Member for Westminster, and the conviction on my mind is, that the expression referred to was used hypothetically by him in the first instance.

Mr. *Fitzstephen French*: After the explanation that has been given by you, Sir, whatever doubt may have existed on the mind of the noble Lord, none can now exist [*cries for Lord Mahon.*]

Major *Beauclerk*: It is clear that the misunderstanding has been mutual; and after the explanations which have been given I should hope that the noble Lord will have no objection to state himself satisfied.

Sir *Edward Kerrison*: As I should certainly have thought what fell from the gallant Colonel opposite to have been, without explanation, an insult, my feelings upon the subject would have been the same as those of my noble Friend; but after the matter has been placed in so clear a light as it has been by you, Sir, I do hope he will get up and at once declare that the matter is settled to his satisfaction.

Mr. *Edward L. Bulwer*: I would beg to suggest that my noble Friend, if he will allow me so to call him, did say that he did not mean anything personally offensive to my hon. and gallant Friend. I am certain that it could not have been the noble Lord's intention to say anything personally offensive, and everybody who knows him must have the same conviction. Such being the case, and my hon. and gallant Friend having stated that his words applied to another case than the actual one, I do not think the noble Lord will hesitate to declare himself satisfied [*renewed cries for "Lord Mahon*].

Major *Fancourt*: As there appears to be great doubt whether the hon. and gallant Member for Westminster did or did not put an hypothetical case, perhaps he will be good enough to say how the fact is.

Mr. *Finn*: I heard the hon. and gallant Member distinctly, and the case he put was certainly hypothetical.

Colonel *Leith Hay*: Whether the hon. and gallant Member put the case hypothetically or not is rendered, by what followed, of little consequence; for the noble Lord stated that he had not the slightest intention of saying anything personally offensive. Then the hon. and gallant Member for Westminster stated what he meant to say, and what I believe he said in a manner perfectly hypothetical. Such being the state of the facts, I do not think it more than what the House has a right to expect that the noble Lord should be called upon to disavow personal imputations. The noble Lord could say, that after the explanation of my gallant Friend, he considers the expression to have been used originally in a hypothetical sense, and is therefore perfectly satisfied.

Lord *Mahon*: I have nothing to add to the explanation I have already given. That explanation is before the House, and has, Sir, been rightly construed by you. I have yet to learn whether the hon. Member opposite (Colonel Evans) did or did not use the expressions which others as well as myself conceived him to have used.

Colonel *Evans*: The House will clearly see that in the terms used by the noble Lord, although he has completely exonerated me from any dishonourable motive, and has, indeed paid me some compliments, yet from some confusion of expression I was led to apprehend that he imputed dishonourable motives to the officers with whom I am associated. Under that impression I made use of the expressions I did. If dishonourable motives were imputed to those officers I could not understand the distinction which freed me from them, when any thing applying to them must apply to me in a degree so much stronger. And at all events I was bound to repudiate any disrespect to my companions in arms. But now, understanding from the noble Lord and others that no improper or dishonourable motives were attributed by him to myself or the officers serving with me, I have no hesitation in saying that I did not wish to injure the feelings of the noble Lord.

Lord *Mahon*: If I understand the hon. and gallant Member rightly, he formerly spoke under a mistaken impression of what I had said, and does not intend to apply to me the terms of contempt and disgust he used. I have no hesitation, therefore, in saying that I am perfectly satisfied.

Colonel *Evans*: Undoubtedly, understanding the noble Lord does not intend to impute dishonourable or improper motives to myself or those with whom I am associated, I am willing to have my explanations so taken.

Lord *Mahon*: One point I would press upon the noble Lord the Secretary for Foreign Affairs. As almost every Member who has spoken from either side of the House has regretted that the inhabitants of the Basque provinces should have lost their ancient privileges, he will perhaps make some representation in their favour.

Motion agreed to.

CORPORATION REFORM—COMMITTEE.] On moving the Order of the Day for the House going into Committee on the Municipal Corporations Reform Bill.

Lord *John Russell* stated, that he was prepared to agree to the Amendment of which the hon. Member for East Somersetshire (Mr. W. Miles) had given notice, reserving to all persons now serving under Indentures of Apprenticeship in any borough their pecuniary rights and privileges as freemen, on completing their apprenticeship.

Mr. *Hughes Hughes* wished to know whether the existing sons of freemen were not to be placed in the same situation as apprentices?

The *Chancellor of the Exchequer* interposed and remarked, that all such inquiries would come regularly in Committee, and it was inconvenient to discuss them now.

On the question that the Speaker do leave the Chair,

Mr. *Hughes Hughes* submitted that he was strictly in order in urging, at that time, any point that occurred to him relative to the Bill in question, and he would therefore take that opportunity of expressing his hope that when the noble Lord should, in Committee, propose an Amendment which could go to respect the inchoate and vested rights of apprentices, he would extend it to the existing sons of freemen, whose claim appeared to him to be even stronger than that of apprentices, and numbers of whom would, in point of fact, have been bound apprentices to their parents or to other freemen, but that as being born free, they were entitled on coming to age, to all the rights and privileges which apprenticeship could confer.

The House went into Committee on the Bill.

Lord *John Russell* said, that it would be better for him to state at once all the Amendments which he had to propose to this Clause, and they were only two—one was, to insert after the words "freeman, burgess," &c., in line eight, the words "or inhabitant." This was intended to preserve to the inhabitants the rights which they enjoyed by inhabitancy. In line nine he intended to insert the words proposed by the hon. Member for Somersetshire, "or under indentures of apprenticeship in some borough." He did not intend to propose the insertion of them in line twelve, as the hon. Member for Somersetshire intended, because the Committee would see that if they were inserted there, they would be clearly inoperative. It would therefore be necessary for him to propose a separate clause, which should give to those persons now under indentures of apprenticeship the power of being immediately enrolled, and then, upon their being put upon the burgess roll, the power of being put in possession of all the rights reserved by this Bill to the burgesses. With regard to freedom by right of birth, he thought that it did not stand on the same ground as the right to freedom by apprenticeship. It had been urged with regard to the latter that the apprentices had either paid themselves, or their friends or relations had paid for them, sums of money in the expectation that those sums of money would be afterwards repaid to them by means of the advantages which they would enjoy on becoming freemen of the borough. It would therefore be a hardship upon them if the House was to deprive them of those advantages which they had been accustomed to expect from the outlay which they had made. As to those who, by the accident of birth, were entitled to become freemen on their coming of age, it was quite clear that the same argument did not apply to them. They gave nothing for the advantages which they might enjoy, and therefore had no reason to complain of the operation of the Clause.

Mr. *Hughes Hughes* said, that as far as the noble Lord's Amendments went, they were satisfactory to him, and he was grateful for them, and the more so as they admitted a principle which must ultimately be extended to the existing sons of freemen. He could not see why "the accident of birth" should make any difference in the mode of treating the rights of those who were born free from those who would become free by apprenticeship, unless, indeed, it was a difference in favour of the former. Many persons enjoyed titles and estates by "the accident of birth," and he did not see why these poor men should lose their rights as freemen, which were as dear to them as the titles and estates of the noble Lords opposite, merely because they enjoyed them only by "the accident of birth." But, in point of fact, the sons of freemen, if thus deprived, would, in numbers of instances, incur the loss of these rights and privileges solely by reason of "the accident of birth," which ought to confirm them, for, as he had before stated, they would have been apprenticed, and so have secured them, but that it was considered unnecessary, because they were free born. He declared he could not, for the life of him, see the justice of the distinction drawn by the noble Lord; and if the Clause, as now amended by him, should be carried, and no other hon. Member should take up the subject, he should certainly on the bringing up of the Report, propose to extend the Amendment, so as to place the existing sons of freemen in the same situation with those persons now under indentures of apprenticeship.

Colonel *Sibthorp* was not inclined to consider these Amendments of the noble Lord as satisfactory. They were merely proposed to induce the Committee to swallow this bitter pill more readily. He complained that every day the noble Lord came down to the House with some Amendment, either verbal or in print; but if in print, with so few copies of the print that not more than two or three Members had an opportunity of seeing it. He denounced this as a most unconstitutional practice. It only showed how absurd it was for the Government to introduce Bills, of which they had not thoroughly considered the details. He agreed with the hon. Member for Oxford, that there was no reason for depriving the sons of freemen of the rights which were continued to the apprentices. He had the honour of being himself a freeman, and he was proud of having received that honour from his revered father, who, he knew, was proud of having transmitted it to him. He should also be proud to transmit the same honour to those who came after him. He condemned the noble Lord for the fickleness of purpose which he had displayed in departing from the solemn compact which he had made with the country in passing the Reform Bill. What could we expect after it? That we should be told, at some day not very distant, that our estates should be confiscated, because the noble Lord willed it, and that they should be given to a multitude of banditti who were all ready to take them. He protested against that. He hoped that the noble Lord would recollect how he had lately been kicked out of Devon, and how many sweet promises he had been obliged to make to gain the sweet voices of the ten-pounders at Stroud. These things could not last long. The noble Lord would find that the man who praised him to-day, for making such promises would hunt him down to-morrow if he did not make promises still larger. The course which the noble Lord had pursued last night was not calculated to do him much honour. The noble Lord would have done himself more honour had he kept to the promises which he made to the House when he said that he would adhere to the Reform Bill as a solemn compact. The noble Lord had often boasted that that Bill had added half a million of electors to the constituency; but now with another Bill he was preparing to cut that constituency short in a very low and cunning manner. Even this was not to be a final Act. The hon. Member for Southwark had frankly told them that he only looked upon it as a step to something else. There was to be a massacre he supposed. Of one thing he was convinced, that there would be a monopoly of Church-property as long as there could be, and that, because the confiscation of Church would touch self. Let hon. Gentlemen give something to their country from their own properties, and then he should believe them patriots. He should get nothing by this, but he stood up on this occasion for a set of poor men against those who had unjustly attacked and vilified them. This was an insult to the country, and as, he believed, most repugnant to the feelings of a liberal and patriotic Sovereign.

Mr. *Goulburn* suggested, that some further alteration was wanted in this Clause. The circumstances of the different boroughs were so various, that there must be various modes devised for dealing with them. In some boroughs there were persons connected with them who were neither freemen, nor burgesses, nor inhabitants. For instance, at Morpeth there were certain persons called free brothers, who were neither freemen, nor burgesses, nor inhabitants of the town. They formed, however, a class out of which the burgesses were elected. They were entitled to the benefit of pasturage on certain lands, a privilege which was considered to be worth 9*l.* a-year. Now the case of these persons was not at all provided for under this Clause, even as the noble Lord had amended it.

Lord *John Russell* thought that his Amendment would meet all cases; but if it were necessary, he would endeavour to extend it so as to meet the case which the right hon. Gentleman had put to him.

Mr. *Trevor* said, that his objection to this Amendment was, that it was only a half-and-half measure; in short, that it was an aggravation of the original wrong.

First Amendment agreed to.

On the second Amendment being put,

Mr. *Estcourt* wished to know if the answer that had been made to his hon. Friend near him (Mr. Edward Peel, we suppose) applied to persons acquiring property, not only by apprenticeship but in other modes, by inheritance, for instance? To the borough of Malmesbury there belonged a large tract of land, to which the freemen had a right, though they had no elective right for Members of Parliament. They had possessed it for centuries by inheritance, and their progeny had the same rights to possess it as themselves. Would the Clause deprive them of those rights?

Lord *John Russell:* The Clause did not relate to what the hon. Member referred. It was not yet decided how property by inheritance could be dealt with, or whether it should be treated like the common case of the rights of burgesses to certain lands. He would take some further time to consider the question.

Mr. *Estcourt* was obliged to the noble Lord for his answer to the question, as he intended to give notice of an Amendment respecting the rights of freemen to certain landed property.

Lord *John Russell* would be glad if the hon. Member would give his notice.

Mr. *O'Connell:* In order to establish the principle, there should be facts to substantiate it. He did not see a word in the Bill that tended to take away the rights of inheritance. The hon. Member should bring forward his facts, and place them in the hands of the House.

Mr. *Estcourt* was anxious that the class of persons alluded to should have an opportunity of laying the facts of their several cases before the House. If they really did possess such facts, he should ask the Committee for a fair opportunity of stating them to it. He thought the Clause interfered with the rights alluded to, and at any rate they ought not to legislate until they had the facts of the cases of those persons before them.

Colonel *Sibthorp* expressed it as his opinion that the Bill would take away heritable rights.

Mr. *O'Connell*: Only as to lands.

Sir *Matthew White Ridley* wished to know how corporate property, after the rights of the present holder had ceased, was to be disposed of?

Lord *John Russell* said, that all persons now entitled to any corporate rights would continue to enjoy them; but that as soon as the interests of those persons ceased, their proportion would go to the general fund of the borough.

Mr. *Robinson* was of opinion that the inchoate rights of the freemen of all classes ought to be as tenderly dealt with by that House as the rights of the nobility themselves.

Sir *Robert Peel* said, it was desirable that this part of the measure should be settled upon a fixed and sound principle. He knew it was difficult to suggest anything in which it might not be possible to show that some part of it was not in strict conformity with a general principle. But it seemed to be agreed by all parties that it was very desirable to make corporate property available for the benefit of the commonalty at large. There might be special cases in which the property had been given to particular individuals; but assuming that, by the original intention of the donors, the property was for the benefit of the inhabitants of the boroughs at large, it was admitted that, by very long prescription, of which they could scarcely trace the origin, this property had been appropriated to certain descriptions of inhabitants only, and that the right to participate in it was now only to be acquired by birth, servitude, or marriage. It appeared to him that it would be consistent with respect to the original destination of this property—at least it would be as near an approximation to its original destination as it was possible to arrive at, if the House were to establish this principle—namely, that those who were not now married should not hereafter by marriage derive any right to participate in this property: that those who had not yet entered into servitude, should not have any such right; but that those who had so entered into servitude should be considered as having an inchoate right; and that with respect to birth, those now actually born should be put upon the same footing as those who had now actually entered into servitude; while those who should hereafter be born should participate in the property only so far as they were members of the commonalty at large. He thought this would be putting corporate property into the hands of the commonalty as speedily as possible, consistent with justice to the rights of individuals. He would respect the inchoate rights of those who were now married, those who were now bound, and those who were now born, which would be respecting the rights of the existing generation at the expense only of a little delay. That seemed to him to be an intelligent principle on which to place the question, and to which he would strongly advise the noble Lord to accede; otherwise the noble Lord would be placed in a situation of great difficulty with respect to the claims by birth and by servitude. If this principle should be adopted, after a certain period the whole of the corporate property would become the property of the commonalty. It was true that the share which these freemen claimed was comparatively small, but, in his opinion, the lower the classes were who claimed it, and the smaller their rights were, the more bounden was the House to respect those rights. If indeed they were dealing with a Rail-road Bill, for instance, then the language to be held would be that the public good should take place of private interest; but when dealing with the rights of the humbler classes, a different feeling ought to guide their proceedings. He thought that the principle he recommended would be the best mode of conciliating that unanimity which was so desirable on this occasion.

Mr. *Blackburne* thought the Clause as it now stood, without any Amendment, was one better able to be supported upon principle than any Amendment that could be suggested. But if they were to have an Amendment, then he perfectly agreed with the right hon. Baronet that his suggestion was the next best principle. He could not understand why upon principle he ought to consider the inchoate right of an apprentice before the right of any other person whatsoever; for although it might be said that a person on entering into apprenticeship paid a certain sum of money for that purpose, and therefore expected all the advantages which the law gave to him, so also might it be said of the man who purchased his freedom; and the House was aware that there were a great number of cases in which the freedom was purchased. Certainly the inevitable consequence of this Bill must be some interference with property that appeared, at least, if it did not really belong to the persons who were now in possession of it; therefore it was necessary to take care to act upon some sound principle; and he thought it would be a sound principle not to attend to inchoate rights at all, but merely to preserve the rights of those who are now in possession. If, however, Parliament should attend to inchoate rights, he thought the proposition of the right hon. Baronet was the one that came the nearest to the principle of the Clause proposed by the noble Lord.

The *Chancellor of the Exchequer* quite concurred with the right hon. Baronet, that it was expedient that the House should deal with this part of the subject upon an intelligible and plain principle. He wished to call the attention of the House to the distinction that he conceived to exist between the right of property acquired in these boroughs by means of servitude, and the right acquired by birth. He agreed with the right hon. Baronet that the great object in view was to make this corporate property available in the shortest possible period to the interests of the community at large. He would confine his arguments on the present occasion to the cases of right by birth and right by servitude. The right of servitude arose from contracts entered into either by the individual himself, or by some person on his behalf, frequently in consideration of the payment of a sum of money, in exchange for which he expected to derive certain pecuniary advantages. In the case of a right acquired by birth, none of these considerations arose; there was no contract whatsoever; there was no payment of a fine upon the indentures; there were, in short, none of the elements which peculiarly belonged to the case of servitude. Gentlemen must consider, that if they affirmed the question which had been raised relative to the right by birth, they would postpone—he would not say indefinitely, but for a very long period indeed—the attainment of that ultimate object which the right hon. Baronet opposite, in common with himself, considered they all had in view — namely, the realization of these funds for the common interest. There was no contract in that case; there was no pecuniary consideration; there was only the right which had accrued under the existing state of things, which, after all was a corporate right; which, after all, according to the statement of the right hon. Gentleman himself, was a question of usage, grafted on the original establishment of these Corporations. His object had been to show the great distinction which existed between the right by servitude and the right by birth, and he trusted he had succeeded.

Mr. *Goulburn* understood the right hon. Gentleman, the Chancellor of the Exchequer, to have argued, that the present was a mere question of property, and should, therefore, be considered apart from the considerations which might otherwise have been involved in its discussion. He contended that the principle laid down by the right hon. Gentleman was one of a most dangerous nature, inasmuch as it went to establish a broad distinction between the security of property derived from inheritance, and that derived from purchase. The right hon. Gentleman had said, in effect, "I will respect the right of the apprentice, because he has paid a pecuniary consideration for it; but, as the son of a freeman inherits a right which the other acquired by his own purchase, or that of some person on his behalf, I will not consider his title to his property as being equally good, or his right as being equally strong." Now he would say, that by drawing such distinctions, and deciding upon such grounds, they would naturally shake the stability of property in this country. Mark the way in which the principle would operate if the son of the freeman were not allowed the same advantages as the apprentice. In many of the boroughs under discussion, only the eldest sons of freemen had a right to their freedom on their coming of age. In those boroughs it was the custom for the father to bind his second son apprentice, with the view of enabling him to gain his freedom by servitude, trusting to the eldest son acquiring his privilege in the ordinary way without any apprenticeship at all. What would be the state of every family thus circumstanced if the Amendment of the noble Lord alone were introduced? Why, the father would be compelled unwillingly to disinherit the eldest son, because he relied upon the provisions of the Reform Bill, and trusted implicitly to his acquiring his freedom without apprenticeship, and the whole benefit would be transferred to the second son.

The Question carried.

Mr. *Robinson* then moved the addition of the following words to the Amendment: "And also to the sons of freemen now born, who are at present entitled to their freedom in any city or borough."

Mr. *Maclean* begged to put a not improbable case, of which he thought the Committee should not lose sight in coming to a decision upon this point. A man in the expectation of a family, frequently purchased his own freedom with the view of making his son a freeman; whereas, if he wished him to obtain his freedom by apprenticeship, he paid for his indentures. In the first case he obtained no benefit whatever for himself, but expended a sum of money to procure certain privileges for his son. There were many charities for the education of the sons of freemen, and where a man had eight or nine, it was an object of great importance to him to obtain an education for them at as little expense as possible. There were many instances in which individuals had made themselves freemen at the expense of a much larger pecuniary outlay than they would have incurred had they acquired the right for their children by apprenticeship for the express purpose of procuring this education. The adoption of the proposed course would entail the greatest hardship and injustice upon these persons.

Lord *John Russell* would state, in a very few words, the ground on which he anticipated very great danger and difficulty from drawing the line proposed by the hon. Gentleman who had just sat down. The hon. Gentleman had said—and he said, no doubt, with perfect truth—that the father of a family would frequently pay a very large sum for his freedom, because he knew his children would have the benefit of being the sons of a freeman; and because, in the event of his having eight or nine sons, it would be extremely convenient to him to avail himself of the corporate funds in their education. Let the House consider the effect of the Amendment now proposed: a person who had purchased his freedom three years ago, having then two sons, would have paid a large sum for their education, and they would be entitled to the benefit of the schools to which the hon. Gentleman had referred, but the other seven sons he might have afterwards, would be altogether excluded from them. The adoption of the Clause, then, would be productive of the great hardship, that a man who had paid a valuable consideration for the purpose of obtaining an education for his sons, would not obtain the benefit for securing which he had expended his money. The principle now sought to be adopted had been laid down in the first Reform Bill, and it had been met with the very objection he had just stated.

Viscount *Howick* said, it was perfectly clear to his mind, that if they gave way to the amendment of the hon. Member for Worcester (Mr. Robinson), they would open a door which it would be extremely difficult to shut, and adopt a principle which experience proved to be most ill-advised and injurious. The right hon. Baronet had stated, he thought most unanswerably, that it was of the greatest possible importance that the property of the corporations should, at as early a period as possible be vested in the community at large, to be employed for purposes in which the community at large were interested, instead of being frittered away, as at present, in small donations to individuals, in a manner, he knew practically, in 99 cases out of 100 conducive neither to their own interest, the public interest, nor the interest of the individuals themselves. He agreed with the hon. Member for Huddersfield, whose exertions on the Municipal Corporation Commission had been so unremitting, and attended with so much benefit, that it would have been most desirable to retain the original Clause if possible; but he was convinced that its practical effect would have been to occasion hardships which it would be quite impossible for the House to prevent or remove. It had been distinctly proved, that in some boroughs, persons on entering into their apprenticeship, were compelled to pay, not merely the ordinary premium to the master whom they served, but a fee of *30l.* into the corporation chest, as they distinctly said, with a view to the pecuniary benefits which were afterwards to result to them from the freedom so acquired. In these cases, persons having actually paid for their freedom, it would be quite impossible for that House to deprive them of it. It was quite impossible to distinguish the cases in which an increased premium had been paid with a view to the ulterior advantages to be gained; from what he had just suggested, and as in all cases of apprenticeship something was *bona fide* paid—some actual service performed—with a view to pecuniary advantages, he thought it only fair that those pecuniary advantages should be preserved to the parties interested. On strict legal principles, inchoate rights might stand on an equal footing with these; but morally speaking, there could be no doubt that a right to be inherited, and which was in itself a great abuse and an usurpation, stood on very different grounds from one acquired by servitude. He entreated the Committee to consider the practical effect of the Amendment. They must remember that they were not only dealing with the rights of land and common, but with the right of exemption from toll; and they must remember that that exemption was already felt as a great inconvenience and hardship. There were two notices of amendments in the printed list at that moment, the object of which was to deprive even the existing freemen of that right of exemption from tolls, which the present measure proposed to preserve so far as they were concerned. He admitted that this would not be an act of justice; but he contended, nevertheless, that to continue for a period the termination of which no man could foresee, the exemption of a certain class of men from the tolls paid by their fellow citizens was an inconvenience of so serious a description that the House, instead of increasing, should be most anxious to prevent it. It was well known, he believed, that in the town of Liverpool one merchant had an advantage over another merchant in precisely similar circumstances, and with an equal amount of capital, of not less than 1,400*l.*; yet the strict right of these individuals was the same. The hon. Member for Worcester had drawn a distinction between the right of exemption from toll and the right of common. Now, in his opinion, they were precisely similar; both were originally granted by the charter for the common benefit of the whole population of the town. In course of time, however, these privileges, which had been conferred upon the town for the benefit of all, became confined to a certain privileged class of the inhabitants. Looking, then, at the extent of the inconvenience incurred by preserving to peculiar persons pecuniary advantages of this kind, and so depriving the public of funds which might be applied in a much more useful manner, he did not think that the House would be justified in keeping up the present exemptions from toll and rights of common to those who had not actually purchased them for valuable consideration; and, therefore, he could see no grounds to justify their adopting the Amendment of the hon. Member for Worcester. There was another point of view in which the case of these inchoate rights might be viewed. It was clearly the right of the corporation to admit an unlimited number of new burgesses. Now, if this right were to be exercised to any extent, the expectant to the privileges of freedom would find his prospective advantages reduced to an infinitely low amount. Nay, more: the corporation might resign their charter altogether, and then he need hardly say their inchoate rights would be totally annihilated.

Sir *Robert Inglis* heard with great surprise, the arguments just advanced by the noble Lord. This was certainly the first time that he (Rir R. Inglis) had heard the application of property used as an argument against the possession of it.

Viscount *Howick* must beg to interrupt the hon. Baronet for one moment He had made a very serious charge against him, and he hoped he might be permitted to explain it. What he had said was, that he concurred with the right hon. Baronet in thinking it desirable, as soon as it could be done consistently with justice, that this property should be brought into the hands of the community at large. To show the importance of such a proceeding, he had adverted to its perversion from the objects to which it was originally intended to be applied, and to the little benefit its expenditure conferred even upon the individuals to whose use it was chiefly applied.

Sir *Robert Inglis* said, that in many instances property in expectancy was as much a matter of right as that in actual possession. Expectancies purchased for a valuable consideration—of *25l.*, for instance, were fully as much entitled to respect as the *25l.* itself if it had remained in the hands of the purchaser, or of the noble Lord opposite himself. He believed that there was scarcely any provision in this Bill which so deeply, and in so important a manner, involved the rights of property as the Clause now under consideration. He disagreed with his right hon. Friend, the late Chancellor of the Exchequer as to the opinion he had stated, that the funds attached to corporate foundations were disposable generally for the public benefit. These funds had been bequeathed and limited for certain defined local and personal purposes, and no one had a right to divest them from the expressed purposes of the original endowment. He held that the House had no more right, on general grounds of expediency, to divert the funds of the corporations from their original source, than they had to put into one general hotch-potch the property of the Members on both sides of the House and apply them to the general purposes of the State.

Sir *Robert Peel* did not go the full length of saying, that in all cases the interests of individuals should be sacrificed. He expressed an opinion on reserved cases which should be taken into consideration, those of individuals who purchased certain corporate rights and privileges. These he was of opinion should be respected. But, generally, he admitted that most of the property of corporations was intended for the benefit of the community at large; and it would be desirable that the community should recover it as soon as possible.

Mr. *Blackburne* said, he for one did not maintain that there was no difference between the cases, where a purchase was made by individuals, and the cases of endowments granted for the general purposes of corporations. Suppose an old man paid to the corporation as large a sum as his freedom cost him, that was a case that should be respected, and that man's right ought not to be touched. But that was different from the diversion of endowments from the original intent. If the Bill was frittered away by one consideration and another, they could never get on. Let those who now enjoy rights possess them all their lives, but let the House not grant inchoate rights.

Mr. *Poulett Thomson* agreed with the right hon. Baronet (Sir R. Peel) that where money was left for particular purposes the right should be reserved. But where funds were left for the benefit of all it was unjust they should be monopolized by individuals. He was not surprised that the hon. Member for Oxford, who said there should be no diversion of any fund from the parties who now enjoyed it to any other purpose, should vote for the Amendment. But he was surprised that those who thought funds were now appropriated to purposes different from the original intention should vote for it. There was no extent to which the Amendment might not be carried. If inchoate rights by marriage or apprenticeship were allowed, it would apply to children yet unborn. If the Committee adopted that line, there would be no end to the consequences. He would draw another line; but he differed from the right hon. Baronet (Sir R. Peel) where the line should end. If they drew the line where an apprentice gave a pecuniary consideration, or made a contract, though no money was given, they would act fairly to the parties, without injuring the community. The hon. Member for Worcester said he did not wish to continue exclusion from tolls. [Mr. *Robinson*: Exclusive trading.] That made very little distinction. If two persons set up in trade in a town, and one of them was exempted from a certain tax, and the other not, the latter could not compete with the former, and would suffer in his business. It seemed the grievance of the tolls was sought to be perpetuated to the community by continuing the exemption to children unborn, in *secula seculorum.* In Liverpool he heard of one Gentleman whose exemption from town fees and tolls amounted to *500l.* a-year. Gentlemen on the other side seemed to think that the Clause meant to injure individuals without benefitting society. That was not so. For to reserve a benefit to persons not yet born, would be to deprive society of it. He (Mr. Thomson) would rather benefit than injure the community —he would guard the rights of property without injuring society.

Mr. *Williams Wynn* said, the general principle laid down by the right hon. Gentleman, of not allowing a descent of right to the son, was opposed to every principle of law and property. The title of the son was confirmed to him by law, and should not be taken away without compensation. The person on whom an estate was settled in succession had as good a right to it as the existing owner. That was one of the fundamental principles of the Law of Property, and could not be violated without the grossest outrage on justice. It was said, "If you establish a case of perpetual succession, where will you end?" But Parliament and the law had granted the right to him, and it could not be taken away without compensation. Parliament certainly could interfere with the Law of Property; but when, he wished to know, did Parliament ever deprive a man of his property without compensation? If Parliament once established the principle, that it had a right to take away property of any description by the mere *fiat* of its will, and without giving in lieu thereof compensation to the deprived party, such a principle would go far to shake the foundations of all property whatsoever. Those who supported the inchoate rights of the sons of freemen were charged with the support of rights originally grounded in abuse and usurpation; but it would be very difficult, if such an objection were admitted, to save any property in the land from the fate which was likely to await the rights of freemen. What property would be safe if they looked back into past centuries for its origin? What was the title to Abbey-lands and other estates obtained by the ancestors of their present possessors, 300 years since, but the unjust attainders or confiscation of former proprietors? Nay, they might even look back to Domesday-book, and examine what would be the validity of title to all that property which was acquired from the Saxon owners by Norman plunderers, if this laxity of principle were admitted in dealing with property? The argument really applied as well to the cases he had put, as to that now under discussion. Many advantages had been conceded, by testamentary bequests, to the freemen; and if these were not held sacred, why should other property continued in succession, in a similar manner, be held sacred by the laws of the land? Much also had been said by hon. Members in the debate, on the subject of exemption from tolls; and it had been argued, that it was unfair, that one class of men should be exempt while another were subject; but were freemen the only persons who had a right of exemption from tolls? He knew of many instances, where centuries ago, the original grantors of the tolls had reserved to the occupiers of land in particular townships, which were their own property, a perpetual exemption from those tolls. These lands had repeatedly been sold, and, of course, commanded a larger price, on account of these exemptions. Surely it would be most unjust to take away property thus obtained; yet how was the right of the freeholder to be maintained if that of the freemen were destroyed? Nor was the assertion correct, that these rights had generally been acquired by usurpation and abuse. He would take, for instance, the cases of which he knew most, the boroughs in Wales, and the Marches. In these it would be found, that exemption from toll in all fairs and markets, valuable lands, common of pasture, and other similar privileges, were granted in the Charters of the Kings of England and the Lords Marchers, as an inducement to Englishmen to settle under the walls of their Castles, to control a newly-conquered and hostile people. These had been transmitted to the descendants and successors of the first grantees, and seemed to him to be held by a title as firm and as pure as any property which existed in the kingdom. He hoped that his Majesty's Ministers would pause before they agreed to this monstrous proposition—that they would not only respect existing rights, but also those in expectancy, for both the one and the other were equally sacred products of the Law of Property.

Mr. *George F. Young* conceived, that in any case where the Question was between inconvenience on the one hand, and the subversion of the rights of property on the other, he could never hesitate on which side to give his vote. This Question involved the most sacred rights of property; and, to him, it appeared, that if he purchased an estate last year, and gave it for an equivalent in money, he had as good a right as, or better, to retain his estate, and transmit it, than had the Marquess of Tavistock to retain, and transmit his. He knew no other title to property than that which the laws of the land conferred; and although he was well aware of the omnipotence of Parliament, yet he could not but think that the holders of property had a right to expect that the laws of the land should be maintained. He should therefore vote for the Amendment of his hon. Friend the Member for Worcester.

Mr. *Divett* was of opinion, that the system pursued by Corporations was but little calculated for the preservation of the right of property. On the contrary, its tendency was more calculated for the destruction of that right. Unless the Clause as it stood was agreed to, there would be twenty or thirty years more of the heart-burning which at present existed. The rights contended for were not generally rights for which a valuable consideration had been given, but privileges conferred by the favour of Corporations.

Sir *William Follett* understood the Amendment of the noble Lord opposite to admit the principle, that certain persons had vested rights in property which ought not to be destroyed, and on that ground he supposed the noble Lord was now prepared to exempt from the operation of the Clause, not only existing freemen, but all those who should be serving their apprenticeships on a certain day. Now, if this principle were once fairly established, we ought in furtherance of it to exempt all persons having at this moment the same description of vested interests. He therefore asked the noble Lord to preserve every existing right. —every vested interest now in being; but he did not ask him to go beyond that point, which fell fairly within the operation of his own principle, or to maintain contingent interests, as in the case of parties now unborn. It appeared to him, that it mattered not whether such interests were vested in parties by birth or purchase—in either case they ought to be preserved. He was aware of the difficulty of drawing a line, but put it to the Committee, whether the best line that could be drawn did not consist in the preservation of existing vested interests? What was the distinction between an apprentice whose right was admitted and the son of a freeman now born who would possess the same right on arriving at the age of twenty-one? The right hon. Chancellor of the Exchequer had said, that in the case of apprentices the vested right might have been purchased; but to this he replied, that in many cases there was no purchase, the apprentice having been taken without fee. What preferable claim had a gratuitous apprentice over the son of a freeman? Did it make any difference when they were dealing with rights of property, whether the property was that of a poor or of a rich man—an estate of 20,000*l.* a-year, or a right to turn out a few head of cattle on a common? The right hon. Chancellor of the Exchequer and the right hon. Gentleman near him had observed that there was difficulty in the Amendment of the hon. Member for Worcester—that it went to postpone the time of applying corporate property for the benefit of the community. Now he said, that the property intended to be applied for the advantage of the public under this Bill was not, generally speaking, that species of property in which freemen had vested rights. But even if it were the common practice, the principle of preserving property for the sake of those interested in it ought to counterbalance any inconvenience that might arise from respecting existing vested rights. However, he contended that no inconvenience could occur from adhering to the principles of justice in this case, for the rights of freemen generally arose out of bequests of property left in trust for particular purposes, and were quite different from those funds by which the community could be benefited under the present Bill. What he meant to propose by way of Amendment to the Clause would be substantially this, that every person having an actual right as a freeman at the time of the passing of the Act, and every person then having an inchoate right to be admitted to his freedom by birth or otherwise, should have the same rights of property as if this Bill had not passed. As to exemption from tolls, that might be a public inconvenience; notwithstanding which, he thought the House ought to be cautious how it took such privileges away from individuals. He hoped, however, that some mode might be found to compensate persons having vested interests in such cases, so as to reconcile the rights of individuals with public convenience. He repeated what he meant to propose was, that the rights of property, distinct from those connected with tolls, should be preserved to existing freemen, and all who at the time of the passing of the Act possessed vested inchoate rights such as he had described. He had no wish to preserve exclusive rights of trading. He hoped he was correct in his understanding of the noble Lord's Amendment, as admitting the principle for which he contended.

If so, probably the noble Lord would not object to insert words in the Clause which would set the question at rest; but if he were mistaken in his construction, or if the noble Lord now declared against the principle referred to, he should feel bound to move an Amendment to the effect already stated, and take the sense of the Committee upon it.

Lord *John Russell* said, it appeared to him that the true ground on which this Clause ought to be debated was to be found in the principle laid down by the right hon. Member for Tamworth, who stated that he believed the application of common lands and other property to the use and advantage of individuals was not consistent with their original purpose, but had occurred in consequence of usages that gradually became established, certainly not for the benefit of the community, and that the only question for the House to consider was, at what time such usages could be abolished consistently with the interests of the parties concerned. Going that on principle, he found a great deal of what had been said as to the rights of property to be in fact entirely beside this question. If corporate property were to be considered in the same light as hereditary property, it would be necessary not only to preserve it to existing freemen and their sons, but to all their future descendants; but this was wholly inconsistent with the principle of the present Bill. However, he apprehended he might put this assumption out of the question. The hon. and learned Member's was a different proposition, and did not rest on hereditary rights, but on rights now actually existing. He thought, however, that there was a great distinction (though the hon. and learned Member did not seem to perceive it) between rights acquired by apprenticeship and by birth; the one might have been purchased, the other was accidental, and in the latter case, although an individual might be entitled by law to certain privileges on attaining the age of twenty-one, no one could say that his occupation or course of life had been adopted in consequence or contemplation of those rights. At the same time, he thought that there was a great deal of reason in the argument, that you might easily draw a line, by admitting rights now existing in reference to servitude or birth; and his main reason for objecting to such a principle consisted in an apprehension of the danger of being drawn on from one step to another to the admission of more than could be conceded consistently with the maintenance of the Bill in its original design. If he could believe, that the House was ready to adopt some settled principle of this kind, such as was involved in the proposition of the hon. and learned Member for Exeter, and would rest there without attempting to proceed further, he should be disposed to say, "Our great object in this Bill must be to establish provisions for the future maintenance of good government, and we should therefore take care to confer no municipal or political rights inconsistent with that object, but at the same time we ought to treat all existing rights of property as tenderly as possible, and if we commit any error, in this way it ought rather to be the fault of handling such privileges too tenderly or permitting them to continue too long, than to adopt a course that might be attended with much hardship and injury to individuals." Therefore, if he could find any thing like a general consent in the House on the proposition of the hon. and learned Member for Exeter, reserving the question of exemption from tolls, he would much rather yield to that general consent than go to a division on the other proposition.

Mr. *Sheil* said, that there was another right, that of marriage, which should be preserved if the rights by birth were preserved, as the Amendment of the hon. and learned Member for Exeter went to effect. Marriage with a freeman's daughter, especially in Bristol, gave the husband the rights of a freeman. The hon. Gentlemen opposite had got the inch, and they now wanted the ell. They had obtained rights by birthright, by servitude, and now they should, as a matter of course, preserve the rights of women.

Lord *John Russell* observed, that if he was right in his construction of the hon. and learned Member's meaning, the hon. Gentleman intended to propose an amendment which should maintain the rights only of persons now alive.—[*Sir W. Follett assented.*]—Probably the best course he could adopt was to move that the Chairman do report progress. The hon. and learned Member could inform him of the words which he proposed to introduce into the Clause, and he (Lord John Russell) would consider them.

Mr. Robinson withdrew his Amendment.
House resumed. Committee to sit again.

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HOUSE OF LORDS,

Thursday, June 25, 1835.

MINUTES.] Petitions presented. By the Bishop of LONDON, from several Congregations at Bristol, against Allowing Beer to be drunk on the Premises of Beer-shops.—By Lord **BROUGHAM**, from Bristol, for the Repeal of the Duty on Newspaper Stamps.—By the Dukes of **RICHMOND** and **BUCCLEUGH**, and the Earl of **SELKIRK**, from several Places,—for further Accommodation in Scotch Churches.—By the Bishop of **LICHFIELD** and **COVENTRY**, from the Clergy of Derby, Matlock, &c.,—for Protection to the Established Church.

POOR-LAWS (IRELAND).] The Duke of *Richmond* presented a Petition from the inhabitants of Clare, in favour of the establishment of a system of Poor-laws in Ireland. He should not take up their Lordships' time by entering at large into this subject; but he should merely say, that he earnestly hoped to see the law of England and Ireland assimilated in this respect. The supposed difficulty of finding persons by whom the Poor-laws were to be worked, was now abandoned, and the only question was, whether the introduction of Poor-laws would be beneficial to the country. For himself, he was convinced that the establishment of Poor-laws for that country would tend much to the comfort of the people, and, he believed, would much diminish the number of offences of violence, now unfortunately so common in Ireland.

The Earl of *Limerick* thanked the noble Duke for the courtesy of giving him notice of his intention to present this petition. He did not agree with the noble Duke in his opinions on this subject. The noble Duke thought that the introduction of Poor-laws into Ireland would be of advantage to Ireland, and that the laws of the two countries should be assimilated. He would to God that the situation of that country would allow of such an assimilation. But he, who had passed the greater part of a long life in that country, was convinced that there was no man who had done so, but must feel that that which would suit in England would not suit in Ireland, and that this was particularly the case with respect to the Poor-laws. But with respect to the Poor-laws in this country, he thought that they had exercised a horrid influence here — they had nearly ruined this country; they would be still worse in Ireland. If they were introduced there, he believed that they would do away with all the kindly and charitable feelings that now existed in that country. Ireland, cursed as it was with many misfortunes, was happily distinguished by the possession of the best feelings of human nature. The affections of the people were strong; and there were no instances of a pauper not being relieved by the inhabitants, or of a poor child not being relieved by its parents, or of poor parents not being relieved by their children. That would no longer be the case if the Poor-laws were introduced there, and money was taken by force of law from those who possessed it, for the relief of the needy. He should content himself with saying that his sentiments on this subject remained unchanged.

The Duke of *Richmond* presented a Petition similar to the last from Tullamore. He knew that the result of the introduction of the Poor-laws would be to take money by force of law from the rich for the relief of the poor. That was just what he wanted, for he wished that there should not be a possibility of persons starving when relief could be afforded them. He wished to see introduced into Ireland a Poor-law, not such as had been formerly so injurious to this country, but an amended system, which he thought would be of the greatest advantage to Ireland. The noble Earl had spoken of the relief voluntarily afforded in Ireland to those who were distressed. He had spoken, also, of the Poor-laws ruining this country. When Ireland was suffering from distress, that distress was relieved not only by what was voluntarily contributed in that country, but there was a large subscription of money in this country. If it was true that England had been nearly ruined, surely the people here ought not to have been expected to subscribe to relieve distress in a country which was not ruined by a system of Poor-laws. The noble Earl said that charity did every thing in Ireland. He feared that whatever it might be on the noble Earl's estate, or on the estates of other noble Lords who resided on their property in Ireland, it was not so everywhere. His feeling was so strong on the subject, that he should have proposed a resolution if the Government had not taken up the matter last Session, and recommended a Commission. He was sorry that the Commissioners had not made a Report at this moment; he hoped that they would do so this Session, and that they would express their opinion as to the practicability, and as to the expediency, of establishing Poor-laws. He hoped that, in his Majesty's Speech next year, this subject would be distinctly recommended to the consideration of Parliament.

The Earl of *Limerick* denied that the difficulty of finding men to work the Poor-laws in Ireland had been overcome. On the contrary, the difficulty was greater than ever. The south and south-west of Ireland, he said nothing of the north, had fallen into the hands of the Roman Catholic priesthood. If the Poor-laws were enacted they were the persons who would have all the power that those laws could confer—they would levy the taxes and the imposts on that unfortunate people—then would be the day for the success of an agitator, and the incomes of the priesthood would be raised higher than that which any of their Lordships possessed. That unfortunate country which had been more subject than any other country in Europe to confiscations would then suffer more than ever from that cause. Instead of hoping to see the Report of the Commissioners, he should be glad if it could be kept back to the Greek Kalends; but whenever it did come, he hoped that they should find the observations on it of men who were personally acquainted with the country and its habits.

Petition laid on the Table.

THE CATHOLIC PRIESTHOOD (IRELAND).] The Bishop of *Exeter* said, that before he presented the petition of which he had given notice, he wished to present another, on which he should make no comment, though it was a petition of great importance, but should move that it be read by the Clerk at the Table. It was a petition from the reverend Edward Nangle, who was a most highly respectable clergyman of the Church of England, and whose diocesan (the Archbishop of Tuam) gave him the highest character. Mr. Nangle stated in his petition the efforts he had made to bring into a state of cultivation the island of Achill, and to benefit the people there, especially by the establishment of a school—efforts which had been observed by Mr. Commissioner Newport, and approved of by him, though not mentioned in his Report. He moved that the petition be read at length. [The petition was then read.] It stated that the petitioner, who was resident Minister in the island of Achill, when he came to the island in July last found it without church or glebe house or resident Minister. He built the first slated house which had been seen in the island, and by this means and others enabled the poor inhabitants of the island to clothe their naked children. He also supplied them with schools and medicine, and hoped a note to that effect would appear in the Report of the Commissioners of Education Inquiry. So pleased were the people with his exertions that they greeted his arrival on the island by lighting bonfires, but still his attempts to serve the inhabitants were frustrated by the denunciations of the Roman Catholic priests. Week after week from the altars of their chapels they pronounced frightful imprecations on those who either sent their children to the schools, or assisted in the works which he had undertaken. As a specimen of the sort of imprecation was the following, uttered on a Sunday in April last, against those who dared to disobey the injunctions of the priests:—" May they be childless by that day twelve months, and at their deaths may they have no hand held out to them." The priests further desired the people to have their pitchforks sharpened, and one man to stand at the front door, and the other at the back, in the event of the petitioner visiting them, so as that there should be no means of escape, and added a prayer that if they did not do so, they might lose the power of their hands. Men came to the labourers who were at work for the petitioner, desiring them to desist, as they were at work for the devil, and adding, that if they came to their labour again they might as well bring their coffins with them. These circumstances the men were ready to prove on oath, The parties were indicted at the petty sessions, and some of them admitted their guilt, declaring that they had acted on the instigation of the priests. On the morning after the day on which they had been cited to the petty sessions one of them upbraided the priest for having brought him into such a situation. The priest's reply was—" Hold your tongue, you ruffian; do not mention my name in the transaction, and you shall have one of the ablest lawyers in Ireland to defend you." In addition to this, the children who attended the schools of the petitioner were beaten by persons total strangers to them, and who had no right whatsoever to interfere with their mode of education. The priest's schoolmaster had beaten these children, and yet he was still in the employment of the priest. The petitioner complained that in consequence of this tyrannical restraint he could not procure labourers to perform his necessary business, whereby he sustained material injury. It further added, with regard to the Report of the Commissioners of Public Instruction, that the population was described in the Returns as 156, whilst in 1831 it was double that number. Besides these annoyances the petitioner had been described by the reverend John M'Hale, who called himself Archbishop of Tuam, as having introduced the demon of fanaticism into the island.

Lord *Duncannon* understood from the Commissioners who had visited Achill, that the petitioner had laboured very zealously for the advantage of that place. He could not, however, avoid observing that the notice for the day was of a petition which the right reverend Prelate had long had in his hands; and it was impossible not to see, from the introduction of the name of Mr. Newport, the Commissioner, that this petition now presented was intended to be connected with the complaint made in the other petition by Mr. Stoney. They had, however, nothing to do with each other. The only complaint made of Mr. Newport was, that in his report he had not mentioned the school. If the petitioner had waited a little longer, he would have seen that the report now presented only related to the church, and did not at all refer to schools, which would form the subject of a distinct report, as voluminous as the first.

The Bishop of *Exeter* had not meant to say one word more on the subject of this petition, but he was compelled to do so by the observations of the noble Lord, who had certainly misapprehended one part of it and misunderstood the object for which it was now presented. The petitioner did not intend to complain of Mr. Commissioner Newport, with whose conduct, on the contrary, he was highly gratified. The petitioner had certainly expected that his labours would have been noticed by that gentleman, who, when upon the spot, had expressed his full satisfaction with what he saw. The petitioner did not refer to the omission of any mention of the school—the Commissioner had seen the settlement, and the means there taken for humanizing, civilizing, and christianizing that island, and those means were the subject of panegyric by Mr. Newport, and the petitioner hoped to have seen them noticed by that gentleman in the report. He repeated that the petitioner was much gratified with the conduct of Mr. Newport, and with his observations when he visited the settlement. He wished to add, that he was assured that the petitioner was not only a pious and ardently zealous man, but that he was mild and temperate in his conduct, so as not to be likely to provoke such treatment as he complained of in this petition.

Lord *Farnham* knew the petitioner, and a more zealous, mild, and amiable man did not exist in the Church of Ireland. He had known the petitioner for years, and he could positively say, that the petitioner was the last person in the world to provoke the outrages of which he had complained.

Lord *Duncannon* admitted that the petition did refer to the establishment, and he supposed that word to mean the school and not the settlement.

COMMISSIONERS OF PUBLIC INSTRUCTION (IRELAND).—MR. STONEY.] The Bishop of *Exeter* then rose to present the Petition from Mr. Stoney. If in doing so he trespassed rather longer than it was his wish to do on the attention of their Lordships, he trusted that he should be excused. He must mention one circumstance before he entered on the subject of the petition. He had been asked by a noble Baron whether the petition he was going to present that night was the same as that with which he had been originally intrusted: he answered that it was not; but, he asked the noble Baron, at the same time, whether he had a right to ask the question. The noble Baron admitted that he had not. He (the Bishop of Exeter) had mentioned this circumstance, as it would probably be referred to in the course of the discussion. He should state the changes in the petition as far as he could recollect them, and he would give any noble Lord who desired it, an opportunity of correcting his statement, by showing a copy of the original petition. If it was supposed that it was a different petition from that which he had to present when Mr. Newport and another gentleman had presented themselves by their petition to the House a few weeks since, the supposition was erroneous. No alteration had been made in it since then. The petition, at first, did include more things than he thought it was desirable to lay before their Lordships, and he had therefore sent it back to the petitioner, with the recommendation to leave out certain parts of it. The parts which had been left out chiefly respected the schools. Having said thus much, he trusted that he should be considered as having disposed of the preliminary question. The first thing he should now do would be to read the prayer of the petition. The petition implored their Lordships to take steps to protect the religious instructors of the people, and their religious instruction, and to secure the religious liberty and personal safety of those who inculcated in Ireland the doctrines of the Church. In order to see whether the proceedings under the Commission were impartial and just, the best course for him to pursue would be, in the first instance, to refer to the Commission itself. Their Lordships would bear with him when he said that, recollecting that this was a Commission that had passed the Great Seal, it was perfectly certain that the object of the Commission must be, not in the slightest degree to weaken the Established Church, to interfere with the cause of true religion, or to impair the rights and privileges of the clergy in that part of the United Kingdom. He said that, not only because they had the best of all securities in the fidelity of the Sovereign to this most sacred cause, which he was interested in maintaining, but because if the Sovereign had departed from that fidelity, he would have done that which it was unseemly to conceive possible. He spoke of it, therefore, as a thing impossible even to be imagined, for the doing of it would have been what no one could for a moment suppose the Sovereign would ever consent to do—it would have been the violation of his Coronation Oath. It was, then, impossible to imagine that such a thing was in the contemplation of his Majesty, when he ordered the Great Seal to be put to the Commission. There were no words in the Commission which looked to such a result. In its terms it upheld the Church, which it was the best interest of all to maintain, and which his Majesty, of all the inhabitants of the kingdom, was most anxious to support. In saying this he could not disguise that there was one part of the Commission which was, though not so intended, likely to produce that dangerous result. That was, the direction given to make a statement of the numbers of the different religious persuasions. That direction had a tendency to exacerbate religious animosity and to endanger the lives of the Protestants in that part of the country where from the paucity of their numbers they were peculiarly exposed to danger. It was true that they had heard that it had been stated in another place, that the object of the Commission was to inquire, with a view of taking away a portion of the possessions of the Church of Ireland, because it was deficient in attaining the main object for which it was instituted, namely, the religious and moral instruction of the people. A Member of his Majesty's present Government had been reported to have used language something like that; but in that House, on all occasions, very different language had been used, and their Lordships had been assured that the Government, in instituting the Commission, had no thought, or intention, or wish whatever, to interfere, with the revenues of the Irish Church but for Ecclesiastical purposes; and that after fully providing for the Ecclesiastical wants of the Church, if any surplus should arise, that it might be appropriated to the education of the people, under the management of the Irish Board of National Education. It was with great gratification he referred to the observations of the noble Viscount on this subject. He shuddered at the notion of any man connected with the Government daring to make a proposition for taking away a portion of the revenues of the Church. He could not believe that any Government could have it in contemplation to propose such a measure to Parliament until it was actually before them. Until then he must believe the rumour of an intention to submit such a measure to the Legislature was a foul imputation on any man who had been sworn to discharge his duty truly and faithfully to the King, and when he must know that his Majesty had solemnly sworn to maintain the cause of true religion in Ireland, and to preserve inviolate the revenues of the Church in Ireland. Until he found that a Bill, founded on the principle of destruction or invasion of these rights, was actually proposed to Parliament, he would not believe it possible that any Councillors of his Majesty would dare to advise such a measure. He was the more justified in concluding, that no injury to the Church was contemplated when this Commission was issued, by looking further into the Commission; for he found some very important particulars of inquiry confided to the diligence and fidelity of the Commissioners—particulars into which if there had been a faithful and impartial inquiry instituted, it would have conferred the greatest blessings upon the people of Ireland, and would have provided greater security for the Church in Ireland than any measure which could possibly be proposed. He alluded particularly, to the last matter given in charge to the Commissioners; they were directed—"To inquire generally, whether adequate provision is now made for the religious instruction, and for the general education, of the people of Ireland, and to report such other circumstances connected with the moral and political relations of the Church Establishment, and the religious institutions of other denominations dissenting from the Established

Church, as may bring clearly into view their bearings on the general condition of the people of that part of our said United Kingdom." — Nothing would have been more calculated to advance the ultimate tranquillity of Ireland. Nothing would have conduced more to the security of the empire. Nothing would have contributed more to the welfare, temporal and eternal, of the people of Ireland—than to have had a fair investigation into the effects produced, respectively, by the religion of the Church of England, and the religion of the Roman Catholics, on the character and conduct of that people. He stated with regret, that on looking to the Report which the Commissioners had presented, he found that those functionaries not only had not instituted any inquiry at all into these most important and most interesting matters—(the main part of the duty which they had undertaken, namely,—" the moral and political relations of the Church and of other religious institutions, so as to bring clearly into view their bearings on the general condition of the people,")—they not only had not instituted any such inquiry, but they had permitted themselves to speak—heedlessly, he trusted—in terms both very inadequate to the duty imposed upon them, and very injurious to the Church. He had read to their Lordships what the Commissioners were required to do; he would now read to them what they themselves said they had done. In their Report they said, —" Inasmuch as the Inquiry committed to our charge is essentially of a statistical nature, and as we are not authorised to recommend remedial measures, in respect to the anomalous relation in which the institutions of the Established Church stand, with reference both to its own Members, and to the rest of the population in the greater part of Ireland; therefore, 'we abstain,' &c."—Thus the Commissioners not only refused to do that which was the most important part of the charge intrusted to them, but they actually garbled and perverted the terms of their commission. They spoke as if all they had been required to do, was, to look at " the anomalous relation in which the institutions of the Church stand, with reference both to its own members and the rest of the population in the greater part of Ireland. Could such a Report, in execution of such a Commission, have been expected from honourable men? He was astonished at it. The Commissioners characterized their inquiry as one of " an essentially statistical nature," but it was his misfortune to be ignorant of their meaning. If it was to be understood that all the subjects enumerated in the Commission were of an " essentially statistical nature," then, indeed, the phrase was of so comprehensive a meaning as to baffle his utmost efforts even to conjecture its probable limitations. He had referred to *Johnson's Dictionary*, but found that the word "statistical" had come into use subsequently to the death of the great lexicographer. However, in the *Continuation* of *Johnson's Dictionary*, by Todd, it was said that " statistical " meant " political," and that the substantive " statistics " meant " that part of municipal philosophy which states and defines the situation, strength, and resources of a nation." Now, according to this definition of the phrase, if the Commissioners considered the inquiry with which they were charged, as being " of an essentially statistical nature," they were bound to investigate the circumstances connected with the " situation, strength, and resources " of Ireland, and he must therefore again express his surprise and regret, that they did not direct their attention to the particular operation of the religious tenets of the Church and of the Roman Catholics on the general character, and therefore on the moral strength of the people of Ireland. This was the only rational manner of bringing the inquiry committed to these Commissioners within the definition of statistics. Looking to what these Gentlemen had actually done, he must suppose that they thought the inquiry which had been intrusted to them was merely and solely confined to facts relative to the amount of population, and the numbers of churches and ministers of churches, and meeting-houses. If that was their opinion, a more extraordinary interpretation, or rather perversion of words, when considered in relation with the language in which the Commission was drawn up, never took place. He had been the more anxious to notice what the Commissioners had said relative to the " essentially statistical nature of the inquiry," because it had an important bearing upon the alleged conduct of the two gentlemen who were referred to in the letter. Undoubtedly, if the Commissioners were right in thinking that all they had to do was, to inquire into the amount of population, and points of that kind, much of what was charged against those two gentlemen as matter of blame, would be shared by them only in common with all their colleagues in the execution of the Commission under which they acted. He did not wish, further than was absolutely necessary, to lay anything specially to the charge of those two Commissioners. He did not know them, and he was not disposed to speak of any part of their conduct more harshly than his duty compelled him to do; and, therefore, he must acknowledge that when they refused to enter into the inquiry which was urged upon them, they had the sanction, however erroneous that might be, of their colleagues in the Commission. It appeared that they sent certain inquiries round into every parish respecting the increase or falling-off in the numbers of the attendants of the Protestant Church, and also respecting the increase or falling off in the numbers of scholars attending the Protestant or Catholic schools, and what were the reasons of such increase or diminution. Their Lordships would therefore perceive that the Commissioners when they began the inquiry, supposed that it was part of their business to inquire into these important particulars. He would then proceed to state the object of the petition. The petitioner says, "that no language can describe, nor any petition contain within reasonable bounds, the various outrages committed, and the dreadful intimidation and threatenings held out against the unoffending and defenceless Protestants,—their persons and property exposed to outrage and destruction. He implores your Lordships to take such steps, as shall seem fit in your wisdom, to protect them from the evil consequences of the partial and unjust proceedings of this Religious Instruction Inquiry, and to redress the grievances inflicted by it, as well as generally to relieve the members of the Church from the persecution they are suffering; so that religious liberty and personal safety may be secured for those who teach and inculcate its doctrines, as is their bounden duty; and that the due and impartial execution of the laws, or the exciters to violence and outrage, may repress the out-breakings of crime, and insure the lives and properties of defenceless Protestants." When the Commissioners were at Newport, Mr. Stoney, the Rector of Burrishoole, appeared before them, and expressed his wish to give evidence as to the cause of the diminution of the number of Protestants in his parish, and also to explain the falling-off in the attendance at the Protestant school. He was prepared to show that this had resulted from persecution; and yet the Commissioners had refused to listen to what he had to say. The petitioner offered to give evidence that the falling-off in the attendance at the school arose from the persecution of the Roman Catholic priests, and he offered to adduce evidence that the priests had endeavoured to intimidate the children from attending the school by using a horsewhip, by throwing stones at them, and calling out in the chapel against them, and thus exposed them to the hatred and vengeance of the Catholic congregation. Whether these things were so he (the Bishop of Exeter) could not say, but the petitioner offered to prove them either before the Commissioners or at their Lordships' bar. The Commissioners acted in this way for reasons which he was not disposed to find fault with—namely, to relieve themselves from the difficulties in which they were placed. These gentlemen, however, had brought forward a statement in answer to what they supposed to be the complaint preferred against them by the petitioner. The noble Viscount (Duncannon) had presented a petition from them, and certainly it had produced great effect on the House, and he confessed also on himself. On that occasion the noble Lord stated in the course of his speech,—"When the Commission was first sent to Ireland, the Commissioners sent round to all the parishes in Ireland certain queries on the subject of the Commission, and though all the answers were not perfectly satisfactory, yet in every case the Commissioners had received written answers except in the case of the reverend individual in question, and he had thought fit to print his answer, and to circulate the answer as printed. He did not consider, therefore, that that individual could complain if the answer thus printed were now read to their Lordships." The noble Lord then proceeded to read certain of the answers returned by the petitioner to the queries. In consequence of this he wrote to that Gentleman, and expressed strongly his opinion on the subject of his conduct, which he considered to be intemperate and highly improper, and above all in returning a printed answer to the queries sent by the Commissioners. To his utter astoishment he had received an answer from that Gentleman, to which he was anxious to direct the attention of their Lordships. He would, however, previously observe, that he requested the noble Lord to put him in possession of the paper containing the original answer to the queries. The noble Lord laid a paper on the Table a few days ago, containing the answers he had alluded to, but on his (the Bishop of Exeter's) inquiry he found that this was not the original answer but a copy. The noble Lord, however, had since laid the required document on the Table. This document, however, so far from being in print, was written. The letter purported to be received on the 28th November, and was directed to Mr. Barrington, Record-Office, Dublin, the Secretary of the Commission. The letter he had received from the petitioner indirectly showed that he was in a more temperate state of mind than when he wrote the answer to the queries. He had wished to believe that there had been some mistake respecting the answer sent by the petitioner. That Gentleman now stated that he had been sent a list of printed queries, and he had been requested to return an answer by post, but he had not sent, as alleged, a printed answer. He went on to say, that his memory had been refreshed on this point by a person he had to assist him, as clerk, in answering the questions. He then added, that he afterwards got the answers that he had furnished to the Commissioners circulated in his parish, in consequence of the attacks made on him by the reverend Mr. Hughes the parish priest. He had no intention to make an attack, either on the Government or on the Commissioners, but merely pursued the course he did to defend himself from the charge brought against him by the parish priest, and he felt called upon to expostulate against the Romish mass being called divine worship. The writer then went on to express his regret that he had made use of any language which could give offence to any of their Lordships. He added, that the parish priest had ordered the people attending his chapel to wallop—this was the priest's expression, and not Mr. Stoney's—any person who dared to collect the tithes of the parish. He also stated, in addition to other facts, that the soldiers who attended the chapel were withdrawn by the officer accompanying them, in consequence of the language in which the priest had harangued them. This latter was by no means a rare occurrence in Ireland; for it appeared that on several occasions officers who had attended chapel with the soldiers had withdrawn them in consequence of the seditious language of the priests. One remarkable case of the kind was mentioned in the Tithe Report of 1830, where it was stated that a lieutenant had withdrawn a party of soldiers from a chapel in consequence of the inflammatory and seditious language used by the celebrated Father Burke. Another remarkable case was where a number of troops were withdrawn from a chapel at Ballina by the officer attending there, in consequence of the seditious language used by Dr. M'Hale, who now called himself Archbishop of Tuam. The officer stated, on that occasion, that he should have conceived himself acting most improperly if he had not withdrawn the troops from listening to such inflammatory language as was used by the priest. With the present there were three instances, and in none of those cases had any slur been cast on the officers. Such was the character of the priests in Ireland, that it was necessary that the Catholic soldiers should be accompanied to chapel by their officers, to withdraw them when inflammatory language was used. Much had been said with respect to the nature of the answers returned by the petitioner. He regretted that the reverend gentleman had so far forgotten himself on the occasion in question, as to use language highly reprehensible. He thought that it was comparatively immaterial whether the answers were printed or written, because the language was still intemperate. Some of the answers were extremely objectionable. For instance, it was highly unbecoming of the reverend petitioner to use the expression,—"The Popish national schools are upheld and supported by a Government whose authorized formalities declare the Romish mass to be a blasphemous, false, and dangerous deceit, thus helping to build up the superstitions denounced as contrary to God's truth by the law of the realm, and supporting nurseries for rebellion, sedition, and treason." Again, another expression was highly reprehensible, about the new Board of Education, when he said that "Salat sat there shearing God's holy word." He admitted that there were many other expressions equally censurable; but in saying this, he did not agree in all the censures passed on the reverend petitioner. He fully concurred with him in saying, that he "could not call the worship of wooden crosses, pictures, relics, and wafers, divine service;" and he (the Bishop of Exeter) thought that the Commissioners were censurable for calling the ceremony of the mass divine worship. In one of the Articles of the Church, the mass was designated as idolatrous and superstitious. In the rubric, the worship of the host in the mass was called idolatrous, which no Christian should tolerate. He would also beg their Lordships to recollect that the great majority of them had sworn at the table that they believed the worship of the mass was idolatrous and superstitious. The Commissioners, therefore, had acted most improperly and indiscreetly in calling it divine worship. From the statement put before him, he felt bound to say, that the Commissioners in their inquiry at Newport, acted with partial views. He had no wish, however, to bring any charges, but would rather wish to regard the Question as one of a general nature, and as affecting the general interests of the people of a country in which all felt so deeply interested. But he feared if he abstained from bringing forward Mr. Stoney's statements, it would be said, that he had shrunk from them. In consequence of the charges brought against the petitioner, he felt bound to specify some of the points urged by him. The reverend Gentleman stated, "that he was summoned to attend the Commissioners of Religious Inquiry in Ireland, on the 3rd of March last, held at Newport Pratt, for the parish of Borrishoole; that the priest of the Church of Rome, the reverend James Hughes, was there with a large concourse of the people of that religion; that the said priest objected to the number stated on oath of the parochial Scripture school master to be in attendance on his school, and the petitioner offered to give evidence of the cause of the diminution being violent persecution of the children. The Commissioners refused to receive such evidence, though it was a part of their instructions, as stated in the printed Government circulars, to inquire into the reasons of increase, or falling-off, of attendance on schools, or places of public worship, for the last five years; and, notwithstanding, your petitioner, in answer to questions put to him in a circular letter by the Commissioners, preparatory to the Inquiry, had apprized them of this persecution; and in consequence of the notification given to him by the Commissioners, had come prepared to prove the same.' In the statement made by the noble Lord, on a former evening, it was alleged — "that the Commissioners earnestly requested Mr. Stoney to refrain from such observations (respecting intimidation and persecution), as their Inquiry was restricted to statistical facts, and did not enter into the causes from which they proceeded." In contradiction to this statement of the Commissioners, He was instructed to say, that the words really used by the Commissioners were to this effect: —On Mr. Stoney's pressing them to inquire into the causes of increase or diminution of attendance at schools and places of worship, and respectfully urging it as part of the Government instructions to them—they replied, "They knew it was; but they had come to the determination not to enter into such part of the inquiry, as it led to altercations." He had not only the authority of Mr. Stoney, but of another respectable person who was present, for the accuracy of this statement, which that other person was ready to attest on oath. He must therefore conclude, that the Commissioners did give this reason for refusing to prosecute this inquiry. Those gentlemen must have entertained a singular notion of the investigation upon which they were about to enter, if they supposed that it would be all plain sailing—that nothing like collision of opinion and consequent ill humour was likely to arise out of it. Such, however, was their expectation; for it seems that, as soon as they found that proof was ready to be given that events of a formidable nature, and scenes of the most appalling description, had, in fact, been the causes of a diminution of the number of children attending schools, and of Protestants attending Churches, they said they could not inquire into those points, because they would lead to altercation. But the case of hardship, and of injustice, towards Mr. Stoney, in refusing to admit him to prove the case which he had been invited by the original queries to bring forward, did not end there. Shortly before the inquiry at Newport, he was again called on to prove his case. And he must remark, that the Commissioners did not give Mr. Stoney the slightest reason to suppose that they had seen anything amiss in his answers to the queries, which, it was said, were sent in the form of a printed handbill. So far from it, Mr. Gibson Craig spoke in these terms of them, only three days before the holding of the Commission, in the letter summoning Mr. Stoney to attend:—'I have earnestly to request your attendance, and the benefit of such information as you can afford me, in relation to the several matters connected with the said inquiry; and I have also to acquaint you, that I shall then further proceed to make such inquiries, with reference to the said parishes, as may appear necessary.' Mr. Stoney, therefore, very naturally,—supposed that he was to produce the evidence which he had pledged himself to bring forward, at the Board which the Commissioners had announced their intention to hold, and, therefore, he had great reason to complain, when he went with his witnesses to prove that schools and churches had been thinned by persecution, that he was turned round and told that, to the delicate ears of the Commissioners, forsooth, the word "persecution" sounded harshly, and they would hear nothing on the subject. The Commissioners would admit of proof upon trivial points, but with respect to the grave and overpowering topic, the causes of the diminished number of scholars and congregations, they would not hear a syllable. The petitioner went on to state, that the jeers and insults of the mob towards him, were not repressed by the Commissioners, as they ought to have been; and that their conduct towards the Roman Catholic Priest was, on the contrary, most courteous and most encouraging. He would not multiply instances of partiality, because he was unwilling to trespass too far upon their Lordships' patience; but without uniting the motives which the petitioner ascribed to the Commissioners, he must say it appeared to him that they were guilty of a culpable dereliction of duty in refusing to enter into an inquiry which they had themselves invited, and which the petitioner was ready and anxious to pursue, and to confirm his own statements by facts of the gravest nature. He thought, taking into account the facts stated in the petition, that a strong *prima facie* case was made out. Before he sat down, he would briefly allude to a subject which had recently been brought under the notice of the inhabitants of this great metropolis, and which could not but be considered as having an immediate and important bearing on any question concerning religious instruction in Ireland, and especially concerning the influence of the Roman Catholic religion on the character of the people. He alluded to a work which had recently been discovered to be regarded by the highest authorities in that Church in Ireland as a depository of the real principles of the Roman Catholic Church, and which was especially recommended by these authorities as the fittest book, under the peculiar circumstances of Ireland, for the study of the priests. He had examined that work, which was called *Den's Theology;* and more atrocious principles than were set forth in it,—principles more inconsistent with the security of a Protestant Government, and with the rights, liberty,—aye, and the safety of a Protestant people—he had never read, even when looking into the most intolerant and persecuting dogmas of Popes or councils, in the worst ages of Popery. He would not go through the particulars of this work, but would content himself with stating that in it Protestants were described as worse than Pagans—they were represented as being subject to the Roman Catholic Church, and liable not only to Ecclesiastical punishments, such as excommunication, and other spiritual penalties, but to the gravest corporal punishment. The property of the Protestants was declared to be *ipso facto* confiscated: their persons were held liable to incarceration, to exile, to death itself, as the punishment of their heresy. The book which contained all this, and more than all this, was set forth on the authority of no less a person than Dr. Murray, who was called the Roman Catholic Archbishop of Dublin, one of his Majesty's Commissioners of Education in Ireland. In an official publication,—*The Annual Calendar and Directory of the Roman Catholic Priesthood,* for the present year, published with the authority of Dr. Murray,—it was stated, that *Den's Complete Body of Theology* was declared, by the Prelates of 1708, to be the best book that could be republished. That was not all; not only had this book been ordered to be published for the edification of the priests in Ireland, as containing the most secure guidance for them in the present circumstances of that country, but Dr. Murray, and three other Prelates with him, had further directed that it should be used as a text book within the province of Leinster, in the conferences which the Roman Catholic clergy of Ireland were required to hold four times in the year. Such was the sanction given to this work by the living heads of the Roman Catholic Communion in Ireland. More on the subject, he need not say. But thanking their Lordships for the patience with which they had heard him, he would move that this petition do lie on the Table.

Lord *Duncannon* could not deny that, in the first instance, certain queries were sent round to the clergy of all denominations, one of which required them to state the causes of the increase or diminution of the attendance at schools and churches; but before the Commissioners left Dublin, they received instructions as to the mode in which they were to conduct the inquiry. He would quote one sentence of the instructions. 'It will also be observed, that the Commission only requires a statement of the bare fact, whether the numbers attending have been stationary or not for the last five years, without noticing the numerical extent of the variation. The Commissioner need not, therefore, ascertain the fact. He will also be careful to exclude all evidence respecting the cause of any such variation. In respect to education, the inquiry is limited to the statistical facts expressly mentioned in the Commission. The Commissioner should, therefore, be careful not to seek for or receive evidence in respect to the defectiveness or partiality of any particular system—the conduct of school-masters and others — the misapplication of funds—the religion to which the different children belong—the numerical extent of any increase or decrease that may have taken place in their numbers—the cause of such increase or decrease — or other similar circumstances not necessary for the establishment of those statistical facts; accordingly he should studiously avoid entering upon an inquiry into any of these subjects.' He differed from the right reverend Prelate as to the propriety of entering into the inquiries which were suggested by the first list of queries. The Commissioners, on leaving Dublin, were properly directed not to enter into inquiries as to the causes of the diminution of the Protestants? If any thing were wanting to prove the wisdom of that determination, it would be found in such conduct as that of Mr. Stoney. When the Commissioner arrived at his parish, and informed him that they did not mean to inquire into the cause of the diminution of Protestants, he protested against their proceedings in no mild manner. He did not countenance the violent proceedings of the Catholic priest, neither could he approve of the violence of Mr. Stoney. Both were violent men, and their quarrels kept the parish in an uproar. There were various points which had been alluded to by the right reverend Prelate, to which he was not prepared to give an answer. He did not know whether the children at the school had gone out, as had been alleged, to meet the Bishop with green boughs in their hands or not; but even if they did, that was not to interfere with the nature of the schools. It was not to be supposed that the children were always in school and under the superintendence of their masters. They formed a part of the population; and if the populace went out with green boughs to meet Dr. Machale, which, from his popular character, they very probably did, it was very likely that the children accompanied them with boughs also. With respect to the answers given by Mr. Stoney to the Commissioners, they were the subject of controversy, not to say that they had been proved to be false. He was informed that by the return made by Mr. Stoney, the number of his congregation was said to be 300. This return was originally objected to as incorrect. Mr. Gillespie said that the number was no more than 150. Mr. Dogherty had counted the congregation on three several Sundays, and on the first Sunday the number was 150; on the second 180; and on the third 150. Captain Stewart had also given it as his opinion that the number stated by Mr. Stoney was too large; and all agreed in assuring him, that, as regarded the Commissioners, nothing could be fairer or more impartial than their conduct during the inquiry. He had stated on a former day the circumstances under which Mr. Stoney, after some violent altercation had taken place, had left the room in which the Commissioners had met for the purpose of their inquiry. He should not now trouble their Lordships by repeating them. He could only say, that the whole inquiry appeared to him to have been conducted with the greatest propriety, and that in no case could the Commissioners be blamed on the score of partiality. With regard to the Commission itself, he could state that it would never have been issued at all if those who recommended to his Majesty to issue it had not sincerely thought that it would tend to the furtherance of the Protestant religion in Ireland, and not to its overthrow. As regarded himself, he could say that he participated with the right reverend Prelate in his wish for the prosperity of the Protestant religion and its furtherance. He had his own opinions as to what would tend to improve the state of the Protestant Church in Ireland; but whether he did or did not agree in opinion with the right reverend Prelate as to the means, he could assure their Lordships that no person was more anxious as to the desired end than he was. He did not, however, think the maintenance of an establishment larger than was requisite for the wants of the Protestants one way of promoting the success of the Protestant religion. With respect to what the right reverend Prelate had said regarding the census to be taken, he (Lord Duncannon) could not understand why a question of such great importance, and which came so frequently before their Lordships and the other House of Parliament, should not be inquired into. Assertions were continually made on one side and contradicted upon the other, without there being any means of coming at the exact truth; he therefore thought that it would be best that they should have authentic information upon a matter which was now almost the constant subject of discussion, both in their Lordships' House and in the other House of Parliament. A census of the population was to be taken; and what reason there could be why, in that census, the number of Protestants and the number of Catholics in the country should not be stated, he could not conceive. He could not think why the mere statement of the numbers should bring about dissensions. The right reverend Prelate had complained that the Commissioners had not stated their own opinions; but he (Lord Duncannon) was not sure but they would be more blameable if they had given their opinions to their Lordships instead of submitting to them a simple statement of facts, and allowing them to form their own opinions upon those facts.

Lord *Brougham* said, he would trouble their Lordships with a few remarks upon this subject; not that his noble Friend had not said quite enough to repel the extraordinary charges brought against the Commissioners in the most extraordinary manner, but because those who were attacked in this Petition might expect that something should be said by him in their favour. He did not mean to complain, although he might well do it, of the elaborate charges which had been brought forward by the right reverend Prelate, both against the Government and against individuals, in the most unusual manner. Had it often happened, upon the presentation of the petition of an individual, when their Lordships were not even summoned to attend the House, that elaborate and grave charges against the Government, and not only against the present Government but the former Government, and charges against public individuals, had been brought forward?—charges which, in the merciful hands of the right reverend Prelate, to be sure had dwindled down to a simple case of mere malversation of their public duties; but still grave charges were brought forward. It had been said that the Commissioners had been guilty of a dereliction of duty in departing from the instructions which they had received. Now, he had carefully read the Commission; indeed he had written the principal part of it, and attached the Great Seal to it, and he should therefore know what it meant; but he could find nothing in the Commission which required the Commissioners to enter upon the inquiry which they were now complained of for not entering upon. The right reverend Prelate had said, that it was lamentable that the Commissioners had not gone into this inquiry. Now he (Lord Brougham) could not agree with the right reverend Prelate. He could not regret that the Commissioners had not left the clear line of their inquiry, which could lead to no dissensions, to no heartburnings among any class of religionists, to travel into debateable ground, which it was desirable should ever, if possible, be avoided, and which was almost sure to give rise to emotions and feelings, and, what was worst of all, to politico-religious feelings, which ought to be lulled both in Ireland and in this country. The noble and learned Lord contended, that as regarded the charge of partiality which had been brought by Mr. Stoney against the Commissioners, that charge would more properly have been brought against them by Mr. Hughes; for the fact was, that all Mr. Stoney's charges against Mr. Hughes were fully heard, while Mr. Hughes was not allowed an opportunity of making any answer to them. Mr. Stoney was, therefore, the last man who ought to complain of partiality on the part of the Commissioners. By looking at the answers which Mr. Stoney gave to the Commissioners' queries, their Lordships might estimate the loss which had been sustained by the same line of inquiry not having been carried further. The first query was, "Has the number of Protestants been stationary, increasing, or diminishing, within the last five years; and, if increasing or diminishing, to what extent, and what has occasioned such increase or diminution?" The answer to this question showed the advantages which might have been expected to flow from a course of investigation for not proceeding with which the Commissioners were blamed by the right reverend Prelate. The Rev. Mr. Stoney, in reply, said, "The number is increasing yearly, and would be greater than the church would hold, only for Popish persecution. The parish priest preaches in his chapel the destruction of those who read the Bible, by pitchforks, bogholes, and paving-stones, and is not ashamed to avow it on oath before the magistrates of the country. Protestants are threatened to be murdered, violently assaulted and beaten, and their property destroyed; their remains torn from the grave; husbands taught to beat their wives, and wives to abandon their husbands and children, to force them to leave the church and go to mass." Another of the queries was, "What kind of instruction is afforded therein (the schools) to the boys and girls respectively?" The answer was, "The instruction given in the Popish schools of this parish is still worse. Idolatry, rejection of the second commandment, praying to the Virgin Mary, image and saint worship, hatred to Protestants, hunting Scripture readers with pitchforks and stones, and shouting after them:" and Mr. Stoney added, "for the young cock crows like the old one." Another question—"Has the number of children attending such school or schools respectively been increasing," &c.? The answer was, "The last question needs no reply; the above answers will do for most of the parishes in Ireland; with the exception of the numbers, *ex uno disce omnes.* The persecuting haracter of the priest Hughes, of Newport, s a faithful picture of Popish priests in general; the sufferings to which Protestants are exposed are nearly alike everywhere; and the abominations and wickedness of Popery unchanged and unchangeable."—[The Bishop of *Exeter*: "Hear! hear!"] He was to gather from the right reverend Prelate's cheer, that Popery was unchangeable. He trusted, however, that they might be able to effect an improvement even in Popery, though if they were to educate Protestants only, he could not see how the Papists were to be improved. But Popery was a great deal better now than it was 200 or 300 years ago. Mr. Stoney was asked, "Of the children so attending at each such school, what is the number of Protestants of the Established Church, and what the number of Roman Catholics and of Presbyterians, or other Protestant Dissenters respectively?" His answer was, "Most of the Protestant children of the parish attend the Sunday and daily schools. The Roman Catholic children would, and frequently did, attend; but the priest has fixed his residence close to the parochial school-house"—It would appear from this, that the priest had taken up a military position for the purpose of cutting off the scholars as they approached the school. He seemed as intemperate a Catholic priest as the other certainly was a Protestant one. He would give their Lordships a specimen of the mild and dignified language employed by Mr. Stoney. "Hughes, the priest," he said, "persecutes them, hunts, stones, cudgels, cuffs, horsewhips, curses, calls out in the chapel, and tyrannizes over the unhappy victims of his fell superstition, so that they are forced to stay away from the Scripture-school, contrary to the wishes of both parents and children. The lash of the driver's whip was never more terrific to a West-Indian slave than the priest's whip and curse to a poor Irish peasant; the desolating slave-system carried on in Africa is liberty itself when compared to the horrid tyranny of Irish priests, and the interminable sufferings they inflict. Some of the poor children are robbed of their books, some welted with horsewhips, some forced to run into the rivers, others confined to sick beds for weeks from the brutal treatment they receive; some children may be seen going a great deal out of the way to avoid the infuriated priest and his cruel whip." That certainly was a logical answer to the inquiry respecting the falling-off in the attendance of children at schools; but it was one which justified the Commissioners in not having entered into any examination of witnesses with respect to the superiority of the Roman Catholic or Protestant character, which was the issue directly raised by the "infuriated priest" on the one side, and the equally infuriated Protestant clergyman on the other, and which would also have been raised in every parish in Ireland where such men as priest Hughes and priest Stoney were placed over it. He could figure to himself nothing more fatal to the peace of Ireland—nothing more likely to excite religious discord—than the Commissioners sitting to try an issue between a Catholic priest and a Protestant clergyman, each attended with a crowd of witnesses, and eager to support his own abominable anti-Christian feelings of hatred to his fellow-creatures, and enmity to good-will among men; and the Commissioners, he repeated, did wisely in abstaining from it.

The Earl of *Wicklow* said, he was astonished that the noble and learned Lord spoke of being particularly interested in this question on account of the attack which had been made upon the commission, because he himself had heard the noble and learned Lord state at the commencement of the session that he did not belong to the commission, and had nothing to do with it beyond the circumstance of having affixed his name to it in his official capacity. When the noble and learned Lord could make such a mistake as that, it is not very probable that he could have given himself much trouble to ascertain the nature of the duties imposed upon the Commissioners. Under these circumstances, it was not surprising that the noble and learned Lord should condemn so strenuously a course of inquiry which was directed to be pursued by a commission, of which he himself was the head. For his part, he was glad that that line of inquiry had been abandoned, but he was a little surprised that its mischievous tendency, of which the noble and learned Lord and his former colleagues were now so thoroughly satisfied, did not strike them, when they, in the first instance, determined that it should be pursued. It appeared from the statement of the noble Viscount, that the character of the inquiry had been changed by the Commissioners. This was an extraordinary proceeding. What authority had two Commissioners (all of whom had equal power) to alter the course of the inquiry originally agreed upon under the sanction of the Government? He did not say that the change was not proper. He thought it was; for the inquiry first proposed might have excited animosity, and the resolution adopted by the Commissioners was, at least, the safest. He had no acquaintance with the rev. Mr. Stoney, and could have no private cause for entering into the discussion of this subject under any feelings of undue partiality. On the contrary, he was ready to admit that the reply of that Gentleman to the queries submitted to him was not a becoming one from an individual in his situation. On the contrary, a more temperate style would have been much more proper on the occasion. He was, however, happy to find that Mr. Stoney had not committed the disrespect (and this was one of the most serious charges raised against him) of sending his answer in print to the Commissioners.

Lord *Hatherton* said, that it seemed to have afforded matter of complaint against the Commissioners that they should, in the execution of their comprehensive duties, have demanded information in writing relative to points which they did not subsequently pursue, and which written information they did not seem disposed to make use of as materials in the composition of their report. Now it appeared to him, that herein they had exercised a sound discretion, and had best fulfilled the spirit of their trust, by refusing to sacrifice the statistical points of the inquiry to the speculative ones. He was quite willing to take the right rev. Prelate's assurance that the petition had not been changed in consequence of what had passed in that House as he had previously been led to suppose was the case. He must add his testimony to what had been previously adduced in favour of the exemplary manner in which the Commissioners had acted with reference to the origin of this unpleasant controversy. They, in common with all who were conversant with the state of parties in that quarter of Ireland, were well aware that in the parish of Borrishoole the most rancorous hostility in controversial topics had for a length of time subsisted between the reverend Messrs. Stoney and Hughes, and that whenever they came to that parish, in the course of their progress as Commissioners, they might expect to elicit the most contradictory and disagreeable feelings. They had, therefore, refrained as much as possible from unnecessarily exciting the parties to additional enmity by discreetly and cautiously abstaining from accepting any invitations to enter on inquiries that involved points of theological controversy and discord in a parish already sufficiently agitated on that score. Mr. Stoney's character was so fully established as a violent religious and political partisan that it was impossible his evidence alone could be received as competent and satisfactory on questions which affected his feelings and prejudices. The fact was, that his feelings had been so warped by religious excitement that it was impossible to place reliance on what he asserted when under the influence of his exuberant zeal. There was another topic on which he felt it necessary to trouble their Lordships, and he did it with considerable reluctance, under the circumstance of his recent admission to the honour of a seat in that House. During the twenty months that he had been previously intrusted with the performance of official duties, while a member of the other House, it had been the invariable habit there, previous to the presentation of any petition relative to affairs within his jurisdiction, to transmit him a copy, and give him a week's time at least to write to the spot, to make inquiries, and be prepared with useful information on the public presentation of the petition, and he must say, if on the occasion a similar courtesy had been shown him with respect to petitions against the manner in which the Commissioners had executed their work throughout Ireland, it ought to be known that, out of 2,500 parishes, only five had complained—a strong proof of the fairness and impartiality which had characterised their proceedings. He hoped, if any other petition should be received on this subject he should be favoured with a timely notice of the day on which it would be presented, that the statement and the reply might have an opportunity of being heard and going forth together. In conclusion, he begged leave to express his sincere gratification at the progress which had been made in the investigation of the educational and Ecclesiastical revenues of Ireland, and hoped it would, ere long, be perfected, so that it might be ascertained to the satisfaction of all how far each parish was a sinecure, or how far the Church Establishment was itself a sinecure. "I am (said the noble Lord) "proud to reckon myself amongst the firmest supporters of that Church, and one most anxious to resist any encroachments of a nature that might tend to injure or depreciate her; and I feel confident that the more thoroughly her condition is inquired into, and the causes ascertained which may have tended to interfere with her beneficial influence, the more effective and secure will that influence become in all its important relations, so deeply bound up with the well-being of Ireland."

The Bishop of *Exeter*, in explanation, declared that the intended appropriation of the property of the Church of Ireland (to which the noble Lord alluded in terms of such hope and approval) was, in his (the right rev. Prelate's) opinion, one of the most wanton and outrageous assaults on property, as well as one of the most outrageous insults on common sense, that he had ever known to be contemplated in a British House of Parliament. With respect to the support and the security of that Establishment, he considered the property in question only as the means; the needful temporal means whereby her spiritual efficacy was to be extended, diffused, and made palpable amongst the multitudes for whose instruction that Church was established. That property was intrusted to her sole care and use, for the common benefit. He did not intend to say that it was as equally or advantageously distributed as it might be; but while he saw a proposition made that what was termed the extra wealth of parishes should be applied (not to remedy the deficiency which existed in other parishes but) to extraneous and irrelevant purposes—he would oppose it to the last—feeling that the interference was undertaken in the most hostile spirit to the utility of the entire Establishment. He must also conscientiously declare that this project of appropriation was of a character that directly interfered with the spirit in which the Coronation Oath was taken, to support the rights of the Church, and if the Royal sanction were given, it would decidedly be a violation of the oath. In a word, he must characterize the measure as a foul spoliation contrary both to the oath of the Sovereign and the Constitution of their country.

The Earl of *Radnor* said, that he felt it to be only a matter of justice when transactions like the present took place, and charges were made against public officers to investigate the character of the complainant. He would read to the House a document, containing a portion of the proceedings of the Mayo Central Committee of Charitable Distribution at a meeting held at Westport, on the 9th of May, 1831, Sir Francis Lynch Blosse, Bart. in the Chair, which would throw some light on the character of the rev. Mr. Stoney. [The noble Lord then read a resolution of the meeting, declaratory "that they had read with feelings of the greatest disgust and reprobation a published letter of the rev. Mr. Stoney; that the statement therein contained was not founded in fact; and that it was calculated to injure the cause of liberality and charity." The only answer that the rev. Gentleman condescended to make to this resolution was, that the "statement alluded to was a private document, and not intended for publication."] After such an exhibition could their Lordships believe that Mr. Stoney's character was a sufficient answer to any charges brought against him or a sufficient guarantee that he must be in the right. He must say, that the Commissioners for their good feeling and discretion in forbearing to awaken in their progress further theological controversy which had ever been the curse of Ireland deserved great praise; and he much regretted that their excellent example should be lost upon a Christian Bishop, who had lent himself to foment its religious dissensions, and, in conjunction with the noble Earl, seemed ready to foster all the evil passions, the result of religious animosity which had so long been the curse of Ireland.

The Bishop of *Exeter* begged leave to contradict most emphatically any such intention. He conceived that he had only done his duty in bringing the matter before the House.

The Earl of *Wicklow* declared that no word had fallen from him to justify the imputations cast on him by the noble Earl.

The Petition laid on the Table.

HOUSE OF COMMONS,

Thursday, June 25, 1835.

MINUTES.] Petitions presented. By Mr. HANDLEY, from Stafford, in favour of the Municipal Corporations' Bill.—By Mr. GISBORNE, from the Deputies of the Corporations of England and Wales, to the same effect.—By Sir GEORGE CLERK, from the Cordwainers of Edinburgh, against the Imprisonment for Debt Bill.—By Mr. HARVEY, from Harwich, for Stopping the Supplies till a full Measure of Reform be granted.—By Sir GEORGE CLERK and Mr. PRINGLE, from the Clergy of several Places,—for Protection to the Church of Scotland.—By Mr. BARNARD, from Deptford, for Allowing the Occupiers of small Houses to Vote, though the Owners may have Compounded for or Farmed the Rates of their Houses.—By Messrs. HUME, SHELDON, P. M. STEWART, TYNTE, and ROBINSON, from a Number of Places,—for the Repeal of the Stamp Duty on Newspapers.—By Mr. FECTOR, from Rochester, against the Municipal Corporations' Bill.—By Mr. AGLIONBY, from the Millowners and Others of Keswick, for Amending the Factories' Regulation Act.—By Dr. BOWRING, from Rutherglen, against the Imprisonment for Debt Bill.—By Mr. BETHELL, from the Clergy of the East Riding of Yorkshire, in Support of the Protestant Church Establishment of Ireland.—By Mr. HUTT and an HON. MEMBER, from Kingston-upon-Hull and Mold,—against transferring to Doctors' Commons the sole Right of granting Probates and Administrations.—By Mr. FINCH, from Stamford, in favour of the Municipal Corporations Bill.—By Lord SANDON, from Liverpool, against any Alteration in the Timber Duties.—By Mr. WILKS, Mr. J. POWER, and an HON. MEMBER, from several Places,—against Drunkenness.—By Mr. J. POWER, from New Ross, for an increased Duty on Spirits in Ireland.—By Mr. J. POWER and Mr. WESTENRA, from a Number of Places,—against Tithe.—By Messrs. CLAY, AGLIONBY, COLLIER, and BAINES, from several Places,—for Remitting the Sentence on the Dorchester Labourers.—By Mr. C. BERKELEY, from the Postmasters and Coachowners of Cheltenham, for a Reduction in the Duty on their Servants and Carriages.

CORPORATION REFORM BILL.] Lord *Sandon* rose to present a Petition of rather a complicated nature, but of very deep importance. It was a petition from the Mayor and Corporation of Liverpool, showing how the Corporation Reform Bill now before the House would affect their vested rights, their liabilities, and peculiar circumstances. They did not wish to offer any opposition to the progress of the bill, but merely to show the existence of certain local regulations and peculiar circumstances, which it would be difficult to accommodate to the general principles of that measure. The petition first recited the amount of income from freehold lands, &c., at the disposal of the Corporation, and then proceeded to show the amount of debts and liabilities which they had incurred, and which they had secured in a great measure by bonds. In respect to these debts the petitioners hoped that the House would make some provision by law, and recommended a sinking fund for that purpose. Another circumstance was, that contracts to a large amount had been entered into by the Corporation for the improvement of the town, and these improvements were now in progress. The petitioners, therefore, prayed that these contracts might be confirmed, as well for the benefit of the town as out of justice to the contractors. There was another point alluded to in the petition, which called for legislation, whether in a separate bill, or in a new clause in the Municipal Reform Bill itself, the petitioners did not pretend to say. They alluded to the dock estates of the Corporation, which were very extensive, and which had hitherto been regulated by a certain number of the Corporators, selected for that purpose—a system which, according to the provisions of the Corporation Reform Bill could be pursued no longer. The petitioners, therefore, prayed that some new form of trust might be appointed by Parliament in respect to these dock estates in lieu of that now to be abolished. The petitioners enumerated various other local acts and regulations which would be found practically incompatible with the bill brought into Parliament by his Majesty's Ministers, but into those details the noble Lord said he would not enter at the present. He would simply move that the petition be laid on the Table, and also that it be printed, in the hope that it would receive the attention it deserved at the hands of the House on some future day.

Mr. *Ewart* said, that he thought the fact stated last night by an hon. Member, that in Liverpool a merchant was taxed to the extent of 1,400*l.* above his fellow-merchant simply because he did not happen to be a member of the Corporation, was argument sufficient against the continuance of the exclusive privileges which the Corporation had hitherto enjoyed and laid claim to. He said that if any peculiar provisions were deemed necessary to adapt the affairs of the Corporation of Liverpool to the principles of the great measure of Municipal Reform they should be brought forward in a separate bill for that purpose. But, whatever was done, he hoped the House would not permit the Corporation of Liverpool to escape from the reforming influence of the great measure now so largely occupying the attention of the House and of the country.

Mr. *Thorneley* said, that although it was very true the Corporation of Liverpool was in debt to the amount of 800,000*l.*, it was also true that they were in receipt of an annual income of 100,000*l.* So, also, there was a debt on account of the dock estates of 400,000*l.*; but the income received from the docks was about 200,000*l.* He could not, therefore, believe that any of the parties interested in that property ran the least risk of loss from the operation of the Municipal Reform Bill. He, for one, was a holder of dock stock to a considerable amount, and he could assure the House that he should consider that property much more safe when the Corporation Reform Bill had passed, and the dues collected by the Corporation were placed under responsible men, than he did now.

Petition laid on the Table.

IPSWICH ELECTION]. Mr *Hawes* presented a Petition from John Pilgrim, confined in Newgate under an order of that House. The petitioner stated facts in his petition which required to be brought to the attention of the House. He stated that he had been thirty-years, preceding this transaction, the confidential clerk of Messrs. Sewell, Blake, and Co., the Solicitors at Norwich; that he was entirely under their control, and had acted throughout under their directions; that when he left England for Calais to avoid service of the Speaker's warrant he was asked to do so by a note from Mr. Keith of the house of Sewell, Blake, and Co.; that that note was procured as a colour for his absence from England; that he received 20*l.* from that house to cover his expenses; that after he had been absent,he felt a natural wish to return to his family; that on his arrival at Norwich, he was arrested on a criminal charge by Sewell, Blake, and Co.; and that whatever might be the imputations on his character, he was willing to be brought to the Bar of the House, and there to be examined, touching every thing in which he was concerned in reference to the Ipswich election, and to disclose every circumstance within his knowledge. There was another very strong reason stated in the petition as a ground why the House should interfere. Having been arrested by the very persons who up to that hour never raised a voice against him, when he returned home, it would be necessary for him to take his trial on the 1st of August next, therefore he prayed that the clemency of the house might be extended to him, and that he might be discharged in order that he might have an opportunity to prepare for his defence. The hon. Member thought a more reasonable claim could not be made, therefore he begged to give a formal notice that so soon as the petition should be read, he should move that Mr. Pilgrim be brought to the bar of the House to-morrow.

Mr. Grote moved that the petition be read.

Mr. *Hume* suggested the propriety of having the petition printed. It appeared to him that men of respectability and character had been concerned in a conspiracy to defeat the power and object of the Legislature, and it would be a question hereafter for the House to consider whether a Committee ought not to be appointed to inquire into the circumstances. There were not only the persons mentioned in Mr. Pilgrim's petition, but the Magistrates in the county of Norfolk who had become very deeply involved in this transaction; and he could not help thinking that there ought to be the fullest investigation into the circumstances, that eventually blame should not be cast on the innocent.

Mr. *Warburton* would propose, if Mr. Pilgrim were to be brought to the Bar to-morrow for the purpose of being examined, that the House should sit at twelve o'clock, and that he should be examined then, so that the other important business now before the House should not be interfered with.

Mr. *Hope* was of opinion that no proceedings should be taken on this petition or in this affair further until all the circumstances had been fully investigated. With respect to the petitioner's statement that he had received 20*l.* from Sewell, Blake, and Co. to cover his travelling expenses he had not stated one syllable of that before the Committee. He had persisted before the Committee also that it was under Mr. Clipperton's advice he had gone away.

Mr. *Hawes* said, that by his petition Mr. Pilgrim declared that owing to the agitation he was under when before the Committee, from his having been in custody by virtue of Mr. Speaker's warrant, and also under a criminal charge, he had not had presence of mind sufficient to enable him to make that statement.

Mr. *Gisborne* said, that if the House brought Mr. Pilgrim up to be examined at the Bar, he believed it would be adopting a course which had not been resorted to on any former occasion. On all previous occasions, a party having similarly offended had been brought to the bar, simply to be reprimanded and discharged. He agreed with the hon. Member, that it was extremely desirable there should be a Committee appointed to examine into the whole of the affair. He had only received the evidence last night which had been taken before the Committee, and had not had time to go through it. He should apply himself as diligently as possible to it, and he hoped that in the course of two or three days he should be able to state what the course was that he thought ought to be adopted. He should be sorry to throw any obstruction in Mr. Pilgrim's way; he hoped the House would agree to the Motion of the hon. Member for Lambeth, and if it was considered right, any hon. Member might to-morrow move that Mr. Pilgrim when brought up should be remanded.

Mr. Hawes moved that John Pilgrim be called to the Bar of the House to-morrow.

Lord *John Russell* thought it would be very inconvenient to press such a Motion at present.

Mr. *Robert Steuart* said, that he held in his hand a similar petition from Mr. Dasent, who was also well known to the House. By his petition he confessed his crime, alluded to the extent of his punishment, and expressed his willingness to appear at the Bar, and answer any questions the House might be pleased to put to him. Probably the best, easiest, and shortest course to arrive at justice would be to pursue the line which had been adopted in the Camelford case in 1819. In that case the period of imprisonment did not exceed five days, and he really thought the fair course here would be to have the parties brought to the Bar, that they might be reprimanded and discharged, on their deliberate undertaking, as in the Camelford case, to return and give full and free examination whenever they might be required to do so at any future time.

Sir *George Clerk* took the same view of the question as the hon. Member for Haddington who had just spoken. He would put it to the noble Lord opposite, to say whether he did not think the parties had suffered punishment sufficient for the offence they had committed. The noble Lord would find, that in no former case where parties had been sent to Newgate by the House for a similar offence, had they been subjected to so long an imprisonment. If they were now to be called to the Bar, reprimanded, and discharged, it would still be open for the House to take any further proceedings it might deem it expedient to resort to.

Mr. *Kearsley* rose, in pursuance of the notice he had given, to move "that the persons now confined in Newgate in consequence of the report of the Ipswich election Committee be brought to the Bar of the House." After what had passed, he would not occupy the time of the House. He sincerely hoped hon. Members would not refuse to accede to his Motion, but that they would be merciful to those who were now in affliction, knowing, as they must, how much they—how very much they themselves stood in need of mercy.

Mr. *Hume* apprehended that it was not competent to propose any measure of relief for persons who had been committed to Newgate by that House for an offence against the House until after the parties themselves had presented petitions.

Mr. *Wodehouse* said, that he had a Petition to present to the House from Messrs. Sewell, Blake, and Co., but that from an accident he had it not with him, in which they distinctly denied the allegations made by Mr. Pilgrim in his petition. He hoped the House would permit him to present the petition to-morrow.

Lord *Henniker* said, he had a Petition in his hand from Mr. Sparrow, which he had been requested to present.

Mr. *Williams Wynn* said, he really thought the better way would be to postpone any proceedings for the present, that all the parties might have an opportunity of having petitions presented.

Mr. *Robert Steuart* said, he should like very much that the whole of this thing should be sifted fully, and that it should be made public, because he was quite sure that, notwithstanding the long investigation which had taken place on this subject, there was still much that remained in mystery. At the same time, he thought that the parties ought to be brought up and discharged in the manner he had before pointed out had been done in the Camelford case.

Sir *John Wrottesley* could not accede to the Motion. The petition should be printed, and afterwards the House ought to have twenty-four hours for consideration.

Mr. *Grote* thought, that the discharge of those persons should be preceded by the appointment of that Committee of which notice had been given for an inquiry into all those facts of the case which it was admitted on all hands were involved in the greatest mystery.

Lord *John Russell* said, it would be advisable that all the petitions now in the hands of hon. Members, as well as any others which might be sent by to-morrow from the other prisoners, should first of all be presented; afterwards any order might be made for them to appear immediately at the Bar, and the House might take any course which it should think proper to adopt.

Mr. *Williams Wynn* could see no objection to the House now making a simple order for the attendance of the prisoners to-morrow in custody of the keeper of Newgate; and they might then determine what course should be pursued. The great object in committing them had already been accomplished—namely, the vindication of the honour and independence of the House.

Mr. *Wilks* considered it impossible, consistently with the claims of justice, to make an order for the attendance of the prisoners to-morrow, especially after the notice which had been given by the hon. Member for Norfolk (Mr. Wodehouse) of the petition to be presented from Messrs. Sewell and Blake, with reference to the allegations of Pilgrim. It was but right that both sides should be heard before any step was taken towards the discharge of that individual. In the present state of the matter it was the duty of the House to take care that it was not precipitate in its proceedings.

Sir *Robert Peel* thought, that there would be considerable difficulty in making any order for the prisoners to appear to-morrow to await any contingency that might occur. The mere circumstance of their being in waiting would fetter the proceedings of the House. At the same time there would, no doubt, be considerable hardship in detaining them in prison till Monday, if the House should ultimately be of opinion that they ought to be discharged to-morrow. He should recommend that the whole of the petitions be now presented, and taken into consideration immediately the House met to-morrow, and if the prevailing opinion was that the petitioners ought to be discharged, they would, no doubt, submit to the inconvenience of interrupting the debate in a later period of the evening, in order to have their immediate attendance. That course, he thought, would be most considerate for all parties.

Motion withdrawn.

THE DORCHESTER LABOURERS.] Lord *John Russell* asked the hon. Member for Finsbury whether he would have the goodness to postpone his Motion, which stood first on the paper, for an address to his Majesty to grant the pardon and order the recall of the Dorchester labourers. The reason he addressed this request to the hon. Gentleman was, that the House might go at once into Committee on the Municipal Corporation Bill. He would avail himself of this opportunity to afford the hon. Gentleman some explanation in connexion with this subject. The case of the Dorchester labourers was one to which he had given a great deal of attention, and after a careful consideration of all the circumstances, he thought it his duty to recommend to the Crown a remission of the punishment of those persons to a certain extent. The extent to which he had recommended a remission was this—that pardon be granted to the whole of them, there being six, on the condition that they remained in the colonies—such being the form in which pardons were often granted —and with respect to four of them, he recommended that at the end of two years from the time of their arrival in the colony, provided the Governor approved their conduct during that period, and no offence was attributed to them, they should receive a full pardon, which would enable them to return to this country. But two of those persons named Loveless, whom he considered the most culpable, and who in fact had incited the others to the commission of the offence, would not be allowed to return to England. Having given this explanation, he would ask the hon. Gentleman whether he would press his Motion now; and he could not help hoping that the hon. Member would not consider it necessary to do so at any future time, inasmuch as the Motion was one of an unusual nature, and involved an interference with a prerogative of the Crown, namely, the exercise of mercy.

Mr. *Harvey* presented a petition from an attorney at Dorchester, who stated that he was so affected by the arbitrary and severe course pursued by the Judge on the occasion of the trial of these men, that he could not remain in the Court to witness the remainder of the proceedings.

Mr. *William F. S. Ponsonby* said, he was one of the Grand Jury who found the bill, and there was no difference of opinion amongst them.

Mr. *Thomas Attwood* hoped the Crown would extend its clemency, and place the whole of these men on an equal footing.

Mr. *Cresset Pelham* said, the Motion of the hon. Member for Finsbury could hardly be considered an interference with the King's prerogative of mercy any more than it was an interference of that description to petition the Crown for mercy, which was often done with success.

The *Attorney-General* said, that after a great deal of deliberation on the case, it appeared to be the opinion of all persons that these unfortunate men had violated the law.

Mr. *O'Connell* felt called on to make a remark or two after what had just fallen from the Attorney-General. When the indictment against these men was first found, his impression was that the conviction was illegal. He had no hesitation in avowing that he changed his opinion on the subject after hearing what fell from the Attorney-General, respect for whose judgment led him, inclined as he always was to defer to it, to doubt his own. He had since that time given the case much consideration, and the opinion he now entertained was that the conviction was not sustainable.

Mr. *Roebuck* reminded the House, that these unfortunate men were so hurried out of the country, that there was no opportunity of learning what they could say in their own behalf.

Mr. *Ward* said, when it was seen how much difference of opinion existed as to this case, he thought a very strong claim was made on behalf of these men for mercy. All the purposes of this prosecution had been answered; it had proved to the labouring classes the danger of secret associations, and had put a stop to similar combinations.

Mr. *Hume* wished to press on the noble Lord's consideration that what appeared to be the general wish was that all six of the men should be placed on the footing of the four to whom the noble Lord proposed to extend the mercy of the Crown. The noble Lord could scarcely be aware of the anxiety which existed amongst all classes of the community on this subject; but it was particularly strong in that class with which he was most anxious that the Government should stand well. The prevailing feeling was that the punishment of these men was a personal injustice. He would not now enter into the question of whether it was so or not; but he would express his wish that the noble Lord would hold out some hopes that the difference between what was granted and what was refused would be conceded, in order that they might not be obliged to enter into what might probably be an unpleasant discussion. Though his hon. Friend had given a pledge to bring the question forward, he was inclined to ask his hon. Friend to postpone his Motion for fourteen days, to give time to the Government to take the case again into consideration. There were the names of half a million of petitioners upon the Table of the House, and three times as many more would have been sent if sufficient time had been given.

Lord *John Russell* would state at once the answer he had to make to the hon. Member for Middlesex. What he had to say was, that in this case, as in any other that might be brought before him, whether in this House or out of it, he did not hold himself precluded from entering upon the consideration of any facts or circumstances which might come to his knowledge, and forming a judgment upon them without reserve; but he begged to add, that he had considered most deeply the case of the Dorchester labourers, and it did appear to him, on looking into what had been the conduct of two of the parties, he meant the two Lovelesses, that in the extension of mercy towards them, they ought to be distinguished from the others. His opinion was, that the four had been the dupes of the two he had named. With respect to these two, then, his conviction at the moment he was speaking was, that if he recommended, either on his own authority or in consequence of any proceedings in this House, the Crown to extend further mercy to them, he should be lending himself to weaken the authority of the law, and to impair the influence which that great institution, Trial by Judge and Jury, ought to have in this country.

Mr. *Wakley* said, that if the two men had been treated in the same manner as the other four, he should have been disposed to be content. He was prepared to prove that those persons were innocent; nay more, he could show that they ought not to have been prosecuted at all. The learned Attorney-General said the prosecution was a just one; but he begged to ask the hon. and learned Gentleman under what Act of Parliament the prisoners were prosecuted? If the Attorney-General could not tell, how should poor ignorant men, living in remote districts of the country, know any thing about it. If the noble Lord would reconsider the question, he would defer his Motion till some day next week, otherwise he must bring it forward.

Lord *John Russell* said, it seemed to him, that after what he said, and what had fallen from the hon. Member, that it would be better for the hon. Member to bring forward the Motion at once.

Mr. *Wakley* then rose, and in bringing forward his Motion could not help expressing his astonishment that the foreman of the Grand Jury, a gentleman in that House, should endeavour, even before the case was heard there, to interpose between the sufferers and the seat of mercy, and he hoped that if any other hon. Member was connected with the prosecution he would, at least, hear the discussion. The hon. Member for Dorsetshire was himself the Foreman of the Grand Jury, and he, upon an *ex-parte* statement, having found a true bill against the unfortunate men, came forward in the House, and, before he had made his statement, repeated the evidence given in a Court of Justice. Now under what circumstances were those men prosecuted? He begged the attention of the House, for if he should fail in his object he could only say that the people of England would hereafter look in vain for justice at the hands of that assembly. He believed that every one in the House well knew that the Trades' Unions were instituted in London in July 1833. When was the union of Tolpuddle instituted? In the November of that year, after the Trades' Union had been established in London for four months. Hundreds of men belonged to them, and Government permitted, at least had not interfered with, them. No party was prosecuted, and thus, by acquiescence, at least, Government gave their sanction to those Unions. It could be proved that in numberless instances police-officers, in plain clothes, belonged to them, and if any one would read the evidence given before a Committee of that House, it would be at once inferred that the information of those police-officers was regularly transmitted to the Home Office. The Dorsetshire labourers having received notice (pray let Gentlemen mark this) that their wages were to be reduced from 7*s.* a-week to 6*s.*, they having wives and families, they wrote to their brothers in London and communicated to them their distressed condition. What was the reply? "We have established the Unions for our protection here, we are given to understand that they are strictly legal, we walk in procession in this metropolis, and neither Police Magistrates, nor the Ministers, nor the Judges of the land, interfere with our operations. We recommend you to do the same." The men of Dorset seeing that there was a protecting power in those Unions in the metropolis, immediately set to work to establish one there, and it was not established in those distant villages until such Unions had existed for four months unmolested in London. He asked hon. Gentlemen whether it was possible for them to believe that those men imagined they were committing any offence against the law in establishing such an Union? An hon. Member had stated, that a placard containing extracts from certain Acts of Parliament relating to Unions was found in the pocket of one of the men. That was true: but when did the poor man obtain possession of them? Why, on the Sunday previous to the day of his being taken into custody,—the individual obtaining cognizance of the nature of his offence (if he had committed any) only after the offence had been perpetrated. These men were actually going to break up the Union in consequence of seeing that paper—but they had not time to accomplish its dissolution. A prosecution was determined on by the magistrates of Dorset, and one afternoon, a constable called at the cottages of the men telling them there was a criminal charge against them. So great was their conviction of their innocence that they went, with only one officer, all the way to Dorchester, under the impression that they were to return the next day. On their arrival they were examined by the magistrates, and remanded to the gaol. The next morning the magistrates actually, instead of bringing them into open court, visited them in the gaol, took the remainder of their depositions in private, and made out their commitment in the gaol. Even the witnesses were committed to gaol, in order that they might be compelled to give the required evidence at the trial of the accused. And who was the chief witness whom it was necessary to imprison, in order to secure his testimony? Why, the son of the gardener who was in the employment of that very magistrate who caused the labourers to be apprehended. In fact, the whole matter looked like a conspiracy to entrap the accused. He admitted that societies bound together by secret oaths ought not to be tolerated, but no objection to them in point of law in this case could exist, as combinations for the protection of wages were strictly legal. Besides he contended that men should not be punished for alleged offences, the law against which had not been clearly defined and settled. The proceedings connected with their commitment and trial were equally unfair. On the Sunday before the trial an officer connected with the county court, visited Tolpuddle, and other neighbouring villages, in order to make inquiries relative to the characters of the individuals who were to be summoned as jurors on the trial of the labourers, and the neighbours were asked who would be safe persons to put into the jury-box on that occasion? In pursuance of the objects sought to be obtained by this unjust inquisition, a tradesman, of the name of Bridle, a linen-draper at Bere Regis, was challenged by the Crown, and turned out of the jury-box, his disqualifying offences being, that he was not a farmer, and that he had occasionally heard one of the Lovelesses preach in the Methodist chapel of Bere Regis. Now, seeing such a determination on the part of the magistrates and the prosecutors, was it likely that the men would have a fair and impartial trial? The House would imagine what were the feelings of the Judge and the Jury when they heard the charge delivered by the former to the Grand Jury of the county—

"Gentlemen, (said Mr. Baron Williams) there is only one other subject on which I shall presume to give you information; it is the case at the conclusion of your calendar—the charge of administering secret, or as they are called—and properly called—secret and unlawful oaths. Gentlemen, you are probably aware that the Act 37 Geo. 3rd, c. 123, seems to allude particularly to seditious societies and confederacies; but, though it does so, it has been decided that the combination, or confederacy, be it which it may, need not be for a seditious purpose, but that other unlawful purposes of combination are embraced in the Act of Parliament; if, therefore, you should have evidence that a person or persons had administered an oath to bind to secrecy, though there should be no evidence to satisfy you that it was connected with mutinous and seditious purposes, yet there can be no doubt that it would come within the meaning of the Act. Gentlemen, having had my attention called to it, I cannot refrain from making some observations on the nature and quality of these offences. In the first place, it is no light matter to receive an oath in the secret manner alluded to, especially if it should appear to be for illegal purposes, as it is disparaging and bringing into discredit the administration of oaths altogether, thereby affecting that which is essential to the purity of judicial oaths, upon the obligation of which the administration of justice depends. It has been observed by moralists (among whom I may mention Dr. Paley), that a frequent and familiar administration of an oath, even for purposes of justice, is much to be regretted, and if there be any truth in such an observation, how much more applicable is it where the administration of an oath, which places the party in so doubtful a state of morality, that a casuist would be puzzled to decide what course the party ought to pursue? Certainly, in courts of law we could not allow of his acting under that obligation, but how far it would be incumbent on him to disclose anything against his oath, is a question of doubtful morality, and is one of the baneful effects resulting from the administration of an oath, which puts the party in such a predicament; openness and publicity of conduct have hitherto been considered the criterion of honesty, and I fear it would be an evil day for this country if the disposition for such openness should fail; all secret societies which are self-constituted, self-elected, are calculated to shake the foundations of society, and bring the country into extremely perilous circumstances; the misery of these particular cases is this—that men subject themselves for the irresponsible conduct of others, who have no regard for the individuals over whom they exercise this authority, and who are the most dangerous persons in the world to be intrusted with authority; the unhappy men who have been thus misled are in a state of the most wretched subjection and debasement. Gentlemen, of all the persons affected by it, not even excepting the public, the unfortunate persons themselves who are brought into the trammels of these bonds, and have had an oath of this kind administered to them, are affected the worst. Sure I am, that in my own experience, I have known that they have been compelled, by forced oaths, to make out of their scanty means contributions to so large an amount, as would not be endured if demanded by Government for the service of their country. The arbitrary demands made on them have, in many instances, exceeded anything before known in this or any other country; nor does the evil rest here, for when men unite themselves to such societies, the common right of labouring for whom they please is taken from them; this is undoubtedly a very serious subject, and as far as your influence extends, I doubt not that every means will be used on your parts for the prevention of this great, and I fear prevalent, mischief." Thus the Jury were led to infer that all secret societies were illegal. Now after such a charge as that coming from such high authority, it was impossible to expect that the men should have a fair trial, the impression made upon the Jury by such language as that would be that the parties had committed a very heinous offence. Now, what was the evidence, to make it appear to the Jury that the combination was illegal? The rules of the society were laid before them, and there was not one rule among them which he (Mr. Wakley) considered illegal. Yet the illegality of the association was the foundation, in all the counts of the indictment,—for sustaining the allegation with regard to the illegality of the oath. Had the indictment been framed in accordance with the spirit and the letter of an Act passed in the 39th of Geo. 3rd—avowedly framed for the purpose of putting down all secret associations, with the exception of the society of freemasons, and two or three other societies therein specifically named,—then, indeed, doubts might justly have been entertained whether these men had not offended against the conditions of that Statute, notwithstanding the repeal of the combination-laws. But there was a motive for not prosecuting them under that Statute. The poor fellows might then have been proceeded against summarily before the magistrate, and been committed to prison for three months for taking an oath not required or authorised by law; whereas, under the 37th of Geo. 3rd, the Judge, upon the conviction of the accused had the power of transporting them for the term of seven years—a power, which he could not exceed, and which, in the discharge of his duty, he exercised to the very uttermost. It was true that the society was secret, and proved to be secret, but he denied that it was an illegal combination. He called the attention of the House to the Act of 1826, an extract from which he would read to the House, which provided that workmen of the country might legally combine to any extent, or in any form they pleased, with respect to the trades in which they were engaged, without subjecting themselves to any legal condemnation, and if he should succeed in proving that, he thought no Gentleman would say that the merely administering the oath made them illegal. The Act to which he referred, was the, sec. 4,Geo. 4th, cap. 129, it said. "Provided always that nothing in this Act shall subject any persons to punishment, which shall meet together for the purpose of consulting upon the rate of wages, or the prices which the persons present at such meeting shall demand, or upon the time for which such persons should work, in any manufacture, trade, or business, or who should enter into any engagement verbal or written, for the purpose of fixing the rates of wages which the said parties shall require for their work, or the time for which the said persons should work, at any manufacture trade, or business, &c." Now the combination of those men was to protect themselves; they had notice of a diminution of their wages, from 7*s.* to 6*s.* and they followed the example set them in London, to protect themselves and their families from a diminution in their scanty earnings, which was to them nothing less than starvation. He would refer to a case in 1816, when the unions did not create such agitation, and excited no such morbid feeling, and he thought from the language then used by Mr. Justice Holroyd, all parties must admit that he considered the 37th of Geo. 3rd did not apply to those societies unless their object was strictly illegal; the combination in that case was one of poachers who went out at night with blackened faces to kill game. He would quote the charge from Carrington's and Paine's Reports; the case was tried at Gloucester Spring Assizes, 11th April 1816, the indictment was against sixteen persons for administering unlawful oaths; the Lord Judge summed up as follows. "If the oath, administered by the prisoner to the poachers, was intended to make them believe themselves under an engagement, it is clearly within the Clause, whether the book was the Testament, or not. As to the assembly itself, it is impossible that the meeting to go out with faces disguised, can be other than an unlawful assembly, and therefore the oath to keep it secret is clearly an oath prohibited by this Act." That, in his opinion, decided the question as to the oaths which could only be considered illegal, if the society were illegal. The union of the poachers was unlawful, but the union of the labourers was legal, and the Act under which they were punished, did not apply to their case. Under those circumstances, was it possible that the noble Lord could be justified in commanding the infliction of the sentence upon the men? He (Mr. Wakley) had asked almost one half the Barristers in the House, and none could tell him under what precise Act those men were condemned; or who could say that the conviction was legal, or that the prosecution was legal. He, therefore, appealed to that sense of justice which he was sure the noble Lord possessed, for a remission of the sentence imposed on the unfortunate men. If they had erred, they erred in ignorance, he would however altogether throw aside the question of law, and go to the question of facts, to the character and conduct of the men. Was it proved in the Court that any of the men had been guilty of threatening their fellow labourers, or in any degree given offence to their neighbours? He had evidence on the contrary, that six better labourers, and more honest men did not exist in the kingdom. They were most exemplary persons:—and the two men, whom the noble Lord was to visit with the last sting of the law's severity —those men who had never been anything during their lives but common labourers; had by dint of study, and application, become so qualified in mental capacity as to be enabled to give lectures in the neighbourhood to their fellow labourers, and had even been received into the Wesleyan conference as preachers. He (Mr. Wakley) feared very much, that that was their great offence; he feared there was something behind the scenes which would not, but which ought, to come out. The two men had large congregations attending them, and he much feared there was something in the transaction to which he would not then further advert. George Loveless, at the age of twenty-eight, with a salary of 7*s*. a week had succeeded in purchasing a small theological library and had studied with so much assiduity that there was no man in the neighbourhood who could compete with him in point of theological knowledge, but he could prove that in political discussions he had never taken part in his life. With the exception of one individual who had been charged when a boy twelve years of age, with taking a piece of old iron from a farm yard, valued at four-pence, not one of the individuals was ever accused of the slightest breach of the law. It was admitted, in fact, by all persons acquainted with their characters, that six more honest, peaceable, and industrious men were not to be found in the county of Dorset. Their employers at Tolpuddle bore one and all the highest testimony to their good conduct. He had received a note from a lady who had employed four of the men for several years. That lady said, — "George Loveless, James Loveless, Thomas Standfield, and John Standfield, were agricultural labourers of mine for many years. I most willingly comply with your request, and now state, that they were all honest and industrious men."—Under date April 28th, 1835. The lady's name was Northover. Who, then, could describe the cruelty of the sentence passed on these meritorious men? He blushed for the character of his country while he related the particulars of such a barbarous transaction. To shew the stamp of mind, and the estimable character of George Loveless, he would read an extract from a letter written by him from on board the hulk in which he was confined immediately after his conviction, and previous to leaving this country. The letter was addressed to his wife in all the confidence of matrimonial attachment, and unrestrained domestic intercourse; never expecting that it would be seen by any individual—except the object of his anxious solicitude at home—least of all did he ever expect that any portion of his letter would ever be read in the British House of Commons. He might observe, that when he asked Loveless's wife whether she had received any letters from her husband that would enable him to judge of his character by the tone and temper of his language, this letter, and others which she handed to him, had been in her possession within a few days of twelve months. Never, should he forget with what trembling hands she gave him those documents, her countenance denoting almost insupportable agony, scarcely mitigated by an unceasing flow of tears, and her little children witnessing and partaking of the sorrows of the scene. The letter was dated from Spithead, May 28th, 1834, and was remarkable as containing not one word expressive of indignation or complaint against his prosecutors; it was as follows:—"I thank you, my dear wife, for the kind attention you have ever paid to me, and you may safely rely upon it, that as long as I live it will be my constant endeavour to return that kindness in every possible way, and hope to send to you as soon as we reach our place of destiny, and that I shall never forget the promise made at the altar; and though we may part awhile, I shall consider myself under the same obligation as though living in your immediate presence." What Member of this House could have expressed himself to the object of his affections in more delicate or refined terms? How undying and unalterable was the force of his attachment to a deeply affectionate wife! In a portion of another letter which he would read, this virtuous man—stigmatised as a common criminal—was anxious that the moral and spiritual education of his children should not be neglected during his absence. Really, to see such a man as this torn from his wife and infant offspring,—dragged from his friends and country on grounds so slight, doubtful, and suspicious,—was enough to drive the working millions of this country into madness and revenge. In the letter to which he had referred, Loveless said,—"Be satisfied, my dear Betsy, on my account. Depend upon it it will work together for good, and we shall yet rejoice together. I hope you will pay particular attention to the morals and spiritual interests of the children. Don't send me any money to distress yourself: I shall do well, for He who is Lord of the winds and waves will be my support in life and death." Poor fellow, he needed the support of the Lord who ruled over the winds and the waves, for he had found only cruelty and persecution in the decrees of the great men of the earth. Was it fitting, was it just, that such a man as this, for a doubtful offence, should be torn from his loved family, and expatriated for the lengthened period of seven years? This excellent man and his brother were the two selected to be left in New South Wales after they had been pardoned, which was a most harsh and unwarrantable proceeding. There had not been a just consideration shown to this case,—no adequate discussion and examination into its merits,—no ordinary adherence to the dictates of justice. The prosecution was one uniform and unmitigated act of tyranny. The husband was torn from his wife, and the son from his mother, and no distinction whatever was made between the case of a man who had reached the age of fifty-seven years, and a boy of twenty. The two Stanfields were father and son—the one a man, the other almost a child. "And hear it," said the hon. Member, apostrophizing the House, "Ye Gentlemen of England, who are husbands, and fathers, and brothers,—who have wives and children of your own;—one woman,—ah! poor creature, how painfully is she figured in my mind at this moment,—having a husband and six children, had taken from her her two brothers, her husband, and her eldest son, all at 'one fell swoop,' and this, my Lord, (addressing Lord John Russell) is your boasted England! This is your country of equal laws and equal justice. I do appeal to your Lordship ——" [The *Speaker*: Order! Order!] He was aware that he was out of order in addressing the noble Lord personally, yet he trusted he would receive the appeal personally, for personal it was intended to be. The cause of the sufferers came not within the limits of any ordinary rules, and the pain which it excited was calculated to lead to a divergence from ordinary arrangements. He called upon the noble Lord to extend justice—mercy—to those individuals; and if they were allowed to return home, he would himself give personal or pecuniary security for the good behaviour of the two Lovelesses. He implored the House, he entreated the noble Lord, to take this fitting opportunity of extending mercy to the men, thereby gratifying thousands of the labouring classes who had appeared before the House as petitioners. Enough had already been done to deter others from following their example, and there was no longer reason why mercy should not be extended to these poor men.

"The quality of mercy is not strained;
It droppeth as the gentle rain from heaven,
Upon the place beneath. It is twice blessed;
It blesseth him that gives, and him that takes."

He lamented that the labouring classes of England had no representatives here. A few of them, by birth and servitude in borough towns, enjoyed—and would, he hoped, continue to enjoy, the right of voting for representatives in the Legislature; though it had been decided otherwise in that House, unjustly and unwisely in his opinion. He had no desire to press the Motion to a division: he hoped the noble Lord would see the propriety of bringing the men back to their country. As to remaining in the colony, the hand of persecution had reached the poor men even there; would the House believe that the two brothers had been separated; that George Loveless was in a hut, 250 miles from the sea-shore, and James was in a part of the country in which the men were actually dying of famine, and in want of work? So long as George and James Loveless were in New South Wales, and were confined there against their will, they would be neither more nor less than transported men, suffering all the miseries concomitant to a forced separation from the persons whom they dearly loved, and whose happiness constituted a part of their existence. The noble Lord shall judge whether George and James Loveless would feel their continuance in New South Wales, under any circumstances, to be less than a forced transportation, by an extract, which he would read from a letter that, within the last fortnight, had been received from George Loveless:—'From what I can observe (he says) of this country, it is not such a paradise as is generally supposed by the people of England. Bread is uncommonly dear, more than double the price of bread in England, and other provisions in proportion. Clothing is dearer than provisions,—thousands of people are actually starving in this country, as many cannot get employment, and many are too idle to work. As yet, I see nothing to attract my attention to make me stop in the country one day after I obtain my liberty, and have the means to return; in fact, at present I despair of ever getting money to go to England, and yet nothing would yield me so much satisfaction, nay, nothing in this world will satisfy me, until I return to you and the children.' What mitigation of punishment would that be which was attended with such a reservation as a five years' domiciliation in such a country under such afflicting circumstances? His prayer to the House was for the restoration of all the prisoners to their families. He beseeched them to concede the favour—to gratify the humane wishes of the working people of England who had implored the House for mercy to their fellow-labourers. The people of England, he could assure the House felt deeply on the subject. To the working classes especially it was a constant subject of agitation, and unless the men were restored, that agitation would continually increase. The society was legal with the single exception of the oath; and when the object was legal, the oath alone could not make the society illegal. He hoped the House would interpose its authority; it was nothing to say there was no precedent; let them make one as soon as they could, for as it was well said yesterday night they did not need one to do right. He had no object in bringing forward the Motion, but the interests of the working classes. He trusted there would be no misinterpretation of his motives, he had entered the Motion two months ago, in hopes that the men would be restored without his bringing it forward; that the entering the Motion on the books would lead to investigation, and that investigation would lead to a conviction that the men had committed no offence whatever in a moral point of view; the laws had been vindicated by the transportation; the power of the law had been displayed; it had been made evident that the Unions would be repudiated and condemned, and he was convinced that no evil would arise from the restoration of those individuals to their native country. He therefore moved, "That an Humble Address be presented to the King praying that his Majesty would be pleased to grant a pardon to, and direct the recall of, the six Dorchester Labourers who were convicted at the assizes held at Dorchester, in the Spring of 1834, on a charge of having administered oaths not required by law, and who were, thereupon, sentenced to transportation for a term of seven years."

Mr. *Hume* seconded the Motion, and said he was anxious to do so, because he was one of those who took a part in framing the Act of 1826, respecting the combination of workmen. He was happy the noble Lord had determined to re-consider the subject. The objects of these poor labourers were justifiable, and only directed to protect their interests against an attempt made by their employers to reduce the wages of their labour one-seventh. He strongly recommended their cases to the noble Lord, who, he hoped, would not sanction an opinion rather prevalent, that their improved information and peculiar religious opinions had, in some degree, been permitted to aggravate their unwitting offences against an obsolete law. He appealed, therefore, to the noble Lord, if they even had committed a fault, whether they had not amply atoned for it? He entreated the noble Lord to consider the number of persons who had petitioned for a remission of the sentence passed on these men, and the excitement which the severity of their punishment had caused throughout the country. To one petition alone there were upwards of 21,000 signatures; and he believed the entire number of persons who had petitioned in their favour exceeded 800,000. If this boon were granted to these unfortunate persons it would impress a conviction throughout the population of the country, that although it might be delayed, justice in the end was sure to prevail in England.

Lord *John Russell* said, that it was with the deepest regret he saw such a Motion as the present submitted to the consideration of the House, yet he confessed that as far as regarded the manner of bringing it forward by the hon. Member for Finsbury he had no fault to find. He was perfectly willing to bear his testimony to the temperate manner in which the hon. Member had appealed to the House and to the Government for a further extension of mercy to those men of whose cause he was the advocate. He said a further extension because he was free to admit that he did not consider this a case from which mercy ought to be excluded—while, at the same time, he looked upon it as a case that required punishment for example sake. There were some cases that deserved punishment on account of the moral guilt that attached to them, while other cases required to be punished for the sake of public example. In the latter cases, the persons offending might have very good views as to the end and object of their proceeding, while at the same time they were committing a crime against the well-being of society. The latter species of guilt, he believed, attached to the persons who were the objects of the Motion before the House, and upon this ground he considered them not unworthy of some extension of mercy. But, however, innocent or even good the ultimate views of persons thus offending might be, it was the duty of the Judges and the Government to see that, by the operation of the laws, the peace and interests of society were preserved. In the year 1833, Unions were established throughout the country, for the purpose of destroying or preventing those voluntary engagements between masters and workmen that are so essentially beneficial and necessary to the interest of both. The object of these Unions was, by a forced and compulsory system, and by an unjust combination, to direct the terms on which labourers and artisans should receive employment; and he thought it was a fortunate event—an event for which Lord Grey was at the time well entitled to take credit, that all the dangers which such a state of things threatened to inflict on society were overcome without the necessity of resorting to coercive measures, and the suppression of which was left to the mere ordinary operation of the laws without any strong interposition on the part of Government or the adoption of any new system of legislation. It was not, he contended, any exception to the forbearance which was then observed by the Government that the Dorchester Labourers had been declared guilty of a violation of the law. He was satisfied that the hon. Member who brought forward the question in so calm and judicious a manner did not suppose that these men were guilty of any intentional breach of the laws; but he was sorry that he or the hon. Member for Middlesex should have declared, and the latter expressly pronounced it as his opinion, that these men were guilty of no offence whatever—that they had met for legal purposes, and that no proceedings should have been instituted against them. He said, that he regretted this, because, if he had not wished that these individuals should be treated with all due clemency, if he had not in fact already advised the Crown to extend its mercy to them, it might be supposed, had he given that recommendation after and not before the Motion of the hon. Member, that these persons were not guilty at all—that they were the victims of an unjust proceeding—that all those who took up the defence of the case of these persons, as a general and political question, would be considered to have attained a great triumph over those whom they looked on in the light of opponents. It would, no doubt, be readily believed, too, that the tardy pardon which had been awarded to the Dorchester Labourers would justify those who might be desirous to follow their example in executing that which these men had done without being liable to be checked by any just interference on the part of the law. He could only say on the law of the question, that it was not for him to give any interpretation of the Act under which these men had been sentenced. The opinion of the legal tribunals of the country was the only guide which he could have for his decision. He knew that the Attorney-General of the time had confirmed the legality of the application of the Act—that the hon. and learned Gentleman, the Member for Dublin, in the discussion which took place last year, admitted the legality of the sentence—that the learned Judge who presided on the trial carefully considered the case, and read the particular section of the Act under which these persons were charged, to the Jury—that they were declared guilty by that Jury, and that no one of the numerous bodies by which their cause was espoused thought it expedient to bring the question at the time under the cognizance of the twelve Judges. He did not see, then, how, such being the state of the authorities on this subject, any man could dispute the law as it was then laid down. Well, then, he next came to the question how far these men had infringed what ought to be the general policy of the law of this country; and on this point the hon. Member for Finsbury, so far from denying, appeared fully to admit, that the state of the law ought not to allow of the existence of secret societies, bound together by secret oaths. He might be permitted to state, in addition to what the House had already heard on this subject that one of the regulations of these societies was, that the Members on entrance bound themselves by oath, that they would not give evidence with regard to their associates, and that they would maintain inviolate all the rules and regulations by which their society was bound together. The purpose for which such a society was instituted was no doubt an innocent one in the minds of those by whom it had been originally formed; but that it was harmless in its effects he entirely and unequivocally denied. He thought he should be able to establish the justness of the view which he took of such combinations, by informing the House of the substance of one or two of the rules which they laid down for the conduct of their proceedings. By rule 20, if any master should attempt to reduce the wages of his workmen, the fact was to be communicated to the Grand Lodge, in order that they should receive support from that body whilst they remained away from employment. By another (No. 22.) if a Member of the order should divulge any of the secrets, or violate any of the obligations of the same, it was directed that the name and a description of the person, and the crime of which he had been guilty, should be communicated to all the Lodges throughout the county in which the society was established, in order that wherever such persons got work, all the labourers in that employment should instantly refuse to co-operate with them. Was such a system, under which the persons who composed such societies were denounced as criminals, if they divulged the secrets of them, to be tolerated in a country pretending to anything like freedom. However innocent the intentions of persons forming such societies, the societies themselves governed by such rules and regulations must be dangerous; for certainly it was contrary to law, and to the spirit of our institutions, that men should take such power into their own hands. No doubt every man had a right to put what price he pleased upon his own labour, but he had no right to dictate his price to another. What was to become of the industry and capital of the country, if men were not to be allowed to make their own bargain for the sale of their labour at what they might think a fair price? If men who entered into such combinations were to be exempted from the operation of the law, when fairly brought before the tribunals of the country, or if the Government were to be easily released from those obligations imposed upon them by the decisions of these tribunals, the inevitable result of such a relaxation would be, that instead of the flourishing and prosperous condition which the industry of the manufacturing districts in many instances exhibited, those persons possessed of capital, and who sought to employ it, would transfer that capital to other countries, where they might be at liberty to strike their own bargains with those whom they employed, without having their workmen denounced as criminals for observing the terms of the contract into which they had entered. However innocent these two persons of the name of Loveless might have considered such proceedings, they must be regarded by every person of proper judgment as most dangerous to the community; and if those societies had spread through the county of Dorset, and through the other counties of England, their suppression would have required not the transportation of six men for seven years, but would have called for the strong interposition of the Legislature, and demanded a far greater extension of severity than the punishment which had been visited on the Dorchester labourers. With regard to the two persons named Loveless, he could not help thinking that they deserved some greater degree of punishment than that inflicted on those who were associated with them. He considered the very fact on which the hon. Member for Finsbury relied—namely, their intelligence—as an aggravation of their offence, inasmuch as it rendered more probable the extension of their principles. He submitted that the intelligence of these men would render their proceedings more dangerous; and of itself would be a ground of aggravation, for their superior intelligence ought to have made them see the dangerous consequences of such societies. All these circumstances fully justified the Government, in the first instance, in allowing the law to take its course. But the case was now somewhat different. The law of the land had in a great degree been satisfied; and under all the circumstances, his Majesty had been advised to mitigate the sentence to a considerable degree. The

Governor of Van Diemen's Land had been written to, and directions had been sent to him, to announce to these men that they were pardoned, subject to the conditions he had already mentioned. It was objected by the hon. Member that these men could not at present leave the colony; but in this, under their circumstances, there was no great severity or hardship. Although they received a pardon, he might be told that they were separated from their homes and families; but it should be borne in mind that they were allowed their freedom in a country, which so far from being a desolate and wretched land, was a place to which numbers were voluntarily hastening from this country, as being more likely to receive there, than if they remained at home, the proper reward of their industry. But still it would be objected that they were separated from their wives and children. In answer to that, he could only say, that at the time when he sent those orders, commanded by his Majesty, he made inquiries as to the usual course or practice pursued with respect to the wives and families of convicts who had received their pardon at the colony; and without stating precisely what were the exact steps which he wished to be taken, he did not hesitate to declare that whatever he found to be the most lenient course he was willing to adopt, and either to assist the wives and children to go out, or send them out altogether at the expense of the Government. The prisoners had now been gone for more than a year, and at the end of two years, from the time of their going out, four of them would be at liberty to return to this country. It would have been more grateful to his own feelings to advise the full extension of the Prerogative of the Crown, if circumstances had appeared to justify him in so doing; but at the same time he must consider that if he advised his Majesty to grant a full pardon, it would be concluded that the sentence was illegal. If these men were now wholly pardoned, it would be considered not so much a remission of the former sentence as a reparation of the injustice which had been done them; and their return to Dorchester would, so far from serving as a check for preventing others (which had been he was convinced the effect of the original sentence) from following the evil courses into which they had fallen, their presence would be only a signal for the spread of that spirit of insubordination, and reliance on the non-interference of the law, which must create a necessity for fresh trials, harsher punishments, and greater dangers than those which had been already overcome. He hoped, then, that the House would not, under the circumstances, sanction a proceeding which, in an unusual manner, interfered with the prerogative of mercy vested in the Crown—a power the exercise of which, while it enabled us to preserve the authority of the Government and order in society, enabled us also to dispense pardon humanely and mercifully to those who had ignorantly fallen into the commission of offences. For his own part it had always been a source of the greatest gratification to him to have it in his power to prevent a severe sentence of the law from being carried fully into effect; but he must be allowed to say, that he had looked into this case most carefully, and that the conclusion at which his mind had arrived on a review of all the facts and circumstances of it (though there might be some with which he was not yet acquainted, and a knowledge of which might induce him to alter his opinion) was, that it was not safe to grant further favours to those persons. He entertained, therefore, the sanguine and earnest expectation, that the House would not, by agreeing to the proposed address, act in a manner which was at once most inconsistent and inexpedient, and thus establish a precedent which must be considered as conveying the reproach of severity to a judge who administered the law, and the Government which sanctioned the sentence.

Mr. *Roebuck* contended, that the Dorchester labourers were perfectly ignorant of the law; that they had a right to assemble together for the purpose of fixing a certain price on their labour, though, in the mode in which they did so, they might have been guilty of some offence, but certainly not of that which deserved the severe punishment of transportation.

Mr. *Aglionby* said, he had received a number of petitions from individuals in the borough which he represented, in favour of a remission of the sentence, and as many of these persons had not votes for Members of Parliament, and consequently were unrepresented, he considered it a duty only the more imperative on that account to represent their wishes to the House. The question lay in a narrow compass, and he thought that any Member might support the Motion of the hon Member for Finsbury, though at the same time he disapproved of the conduct of the men. He did not impugn the conduct of the Jury, or the summing up of the Judge—he would not even find fault with the law. There was no point even reserved by the counsel; but still it was very clear there was now some doubt as to the legality of the conviction. From the admissions of the noble Lord himself, on which he would refer the case to the House, it might be fairly concluded that it was one calling for some interference. The noble Lord admitted that they were assembled for innocent purposes. Their object, in fact, was to better their condition by procuring a rise of wages, and though they might have gone farther than the law allowed, still under all circumstances he thought them entitled to mercy. The noble Lord said too that the object was not so much punishment as example, that, with respect to the Lovelesses they might not have been aware that they were committing a moral offence, and in the third place the noble Lord admitted that the law was, in a great degree, satisfied. Why not, then, extend full pardon to them? [Lord *John Russell:* "They are pardoned in the colony."] He trusted that the noble Lord would go still further, and recommend to the Crown to grant them full pardon. Such clemency would have the very best effects on the working classes. He saw nothing in the case of the Lovelesses why the same merciful consideration should not be extended to them as to the others. Men who could write such letters as were read by the hon. Gentleman who brought forward the Motion must be persons alive to some of the best feelings of human nature, and he had no doubt that, if permitted to return home to their families, they would become useful and exemplary members of society.

Viscount *Howick* agreed with the hon. and learned Gentleman who had just spoken, that that House was not the proper tribunal for the decision of such a question as the present; and that if there was any serious doubt as to the legality of the sentence passed upon the individuals in question, the matter ought to be submitted to the twelve Judges. His noble Friend (Lord John Russell) was represented to have said that the Lovelesses might have thought they were doing what was for the good of society. He believed his noble Friend, in anything he uttered upon this occasion, did not admit, and could not have intended to admit, that these men did not well know they were doing what was wrong; but even if they thought otherwise it would be no justification. If the principle was to be admitted that there was no guilt when men thought they were acting for the good of society it would go far to justify every crime. Was it possible to suppose that they were ignorant that they were committing a crime in the eye of the law? Such cases were not unfrequent. When persons were convicted of high treason, of an attempt to destroy one form of government and to establish another, they no doubt believed they were acting for the good of society; but they were aware that they were committing an offence against the law. The unfortunate men who were executed on the occasion of the two last great rebellions in 1715 and 1745 were no doubt actuated by the most high and honourable feelings, by devoted loyalty to the person who they believed was entitled to the Crown; but at the same time they were quite aware that their conduct was a violation of the law, and for that violation they were prepared to pay the penalty. The same might be said of recent societies in France and other parts of Europe, which attempted to overthrow the existing state of society under the romantic idea that they were about to bring back the golden age, and to restore mankind to primeval happiness and innocence. To the Unions lately so prevalent the same observations applied. Everybody knew, in fact, that mistaken notions of this kind had been frequently entertained. From the voluminous correspondence which had come under his notice, he had reason to believe that those mistaken notions very generally prevailed among the working classes. The periodical publications circulated among them had greatly increased the evil. That the members of the society to which the persons in question belonged were aware that they were violating the law, and rendering themselves liable to punishment, was proved by the fact that they not only held their meetings in a remote and secluded place, but carefully posted sentinels to prevent their being interrupted by persons who were charged with the administration of the law. It was quite evident, therefore, that they were aware they were acting contrary to law, although they might not know what specific Act of Parliament they were violating. The hon. Gentleman who brought forward this motion in a manner which was highly calculated to recommend it to attention, a manner no less distinguished by its moderation than respect for the feelings of the House, said, and this was one of the few mistakes into which he fell, that no lawyer whom he consulted could exactly point out to him the precise law under which these men were convicted, and that it could not therefore be expected that the parties were acquainted with the existence of such law. The same observations would equally apply to most crimes and offences. He did not know that he could point out, or name the statute, which made murder punishable with death, though he well knew that there was such a law. He believed there were few Gentlemen in the House who knew what laws were applicable to the various crimes and offences, though they knew generally that such and such acts were illegal and punishable. He was ready to admit that the great object of punishment was prevention; and surely no person would deny that the acts of these men, their combinations, and meetings, accompanied with the secret obligation of an oath, were such as ought to be put down. He perfectly agreed with the hon. Member for Middlesex that a combination of working men to raise their wages without any violation of the law was quite justifiable. But here there had been a combination to raise wages by means which violated the law. Last year a very extensive correspondence connected with this subject had come under his official notice. There was one case of the grossest tyranny and hardship which he had ever heard of, connected with the Huddersfield Union, and which, with the leave of the House, he would state. Two individuals connected with one of the Trades Unions, and members of the committee, quarrelled with the other members of the committee, and were expelled from the Union. They were members of a particular trade, which was only carried on in certain portions of the county of York. They were immediately placed under the ban of the society throughout the whole of that part of Yorkshire to which they belonged, a description of their persons was circulated in those districts, and no master dared employ them. Thus these men, for resisting a point upon which they were fully entitled to exercise an independent discretion, were reduced to a state of absolute starvation, though it was admitted that they were good and skilful workmen. The hon. Member for Bath intimated that this case had nothing whatever to do with that under the consideration of the House. He should, however, show that the cases were analogous. Societies were in the first instance formed for proper and justifiable purposes; but when the leaders had contrived to impose oaths of secrecy on the members, they drew them on to practices which led to tyranny and oppression. In all the inquiries which had been instituted into the subject by the Home Office last year, it was found that the existence of these oaths of secrecy was the immediate cause of the gross description of tyranny to which he had alluded. It appeared, therefore, that the administration of these oaths was not only a legal crime, but that it was a practice which, for the good of society at large, and for the welfare of the working classes themselves, it was the bounden duty of Government to endeavour to suppress. The hon. Member for Bath had observed that the administration of oaths of secrecy had been allowed with impunity in London. That was true; but the practice had remained unpunished only because the system was so perfect, that it was impossible to obtain evidence of the fact. If that had not been the case, Government would not have shrunk from the duty of inflicting punishment on persons by whom it was so richly merited. To show the tyranny exercised by these societies he would read the article in the constitution of one of the lodges of those Unions, which had already been read to the House by his noble Friend the Secretary of State for the Home Department. [The noble Lord read the rule, declaring that if any member divulged the secrets of the society a description should be given of his person and of his offence; that his name should be communicated to all the lodges and that all members of the same must decline working with him.] That article contained palpable evidence of the system of tyranny which existed; proscribing, as it did, individuals who differed from the society, and communicating that proscription to all other lodges, so that no member of the society was permitted to work in company with the proscribed individuals. To a working manufacturer such a proscription amounted to an absolute denial of the means of getting his daily bread. It was the duty of Government, it was the duty of Parliament, by every means to discourage the taking of these unlawful oaths. Now he asked the House if the course which was proposed by the hon. Member for Finsbury was not calculated to deprive the country of all the advantages which had been derived from the punishment of the men in question? If the decision of Government on the subject were overruled by a vote of the House of Commons, he asked, what must of necessity be the effect? Would it not go forth to the country that these societies were so powerful—that they could get up so many petitions in their favour—that they could apply such an influence over the House of Commons—that if Government did not give way they would be compelled to do so? If, therefore, the address proposed by the hon. Member for Finsbury were agreed to by the House, not only would the benefit of the punishment which had already been inflicted be lost to the country, but a blow would be given to the authority of the law, and a source of public danger would be opened, which he shuddered to contemplate. Still he was prepared to concur with his noble Friend in saying, that there was much in this case which entitled it to consideration. That consideration, however, ought to be left to his noble Friend, without any interference on the part of the House. These individuals were already exempted from labour in the Colony, and their families were perfectly free to go out to them if they pleased. Undoubtedly it might not be safe to allow these persons to return to that part of the country to which they belonged; thereby creating a general impression either that the sentence which had been passed upon them was unjust, or that Government was afraid to carry that sentence into execution. He concluded by repeating his earnest hope that the House would leave this question in the hands of the Executive Government, and would not establish a precedent fraught with the highest danger to the peace of the country.

Mr. *Brotherton* said, that having presented to the House a petition, signed by upwards of 22,000 individuals in favour of the unfortunate men now suffering under a sentence of transportation, he hoped to be allowed, in the name of the petitioners to implore the House and his Majesty's Government to use their influence in order that mercy might be extended to those six unfortunate individuals. He was satisfied that a remission of their sentence would not be hailed by the people of this country as a triumph over the Government, but, on the contrary, would be received by millions with thankfulness and gratitude. He was not disposed to blame the noble Lord or the Government for the course which had been pursued, but he must state, that there were some extenuating circumstances in the case which had weight upon his mind. The law had been vindicated, and without any wish to discuss the legality or otherwise of the conviction, he claimed on behalf of the petitioners who had addressed the Legislature an extension of mercy to the objects of their commiseration. The legality of the conviction had, however, been doubted by many high legal authorities, and he would claim the benefit of those doubts in favour of those now suffering the punishment of the law. In point of good, moral, industrious character, these men were entitled to the royal clemency. The public mind, too, had been roused, and the public sympathies had been excited in their behalf, and the law he held would ever be inefficient unless supported by public opinion. It had been a saying, he believed, of the late Sir Robert Peel, that it seldom or never happened that the feeling of the common people of the land was wrong, and, therefore, that their feelings upon any subject ought to meet attention. In that sentiment he concurred, and on all these grounds he submitted that the time had arrived for an extension of mercy to those six unfortunate individuals.

Mr. *Mark Philips* amidst cries of "Question," which rendered the hon. Member nearly inaudible, observed that, during the last Session he had presented several petitions on this subject, and had examined into all the allegations and statements bearing upon the case, and which had been urged against the legality of the conviction, and the sentence to which these men had been condemned. He had, by that examination satisfied himself that the sentence was a legal sentence, and he had, both in Parliament, and to the working classes out of doors, declared such to be his conviction. He, however, must now, as he had done before, call upon the Government to temper justice with mercy. He deprecated as much as any man the formation of these unions, and he was anxious to rescue the operative classes from that tyranny which owed its origin to the selfish views of one or two individuals. He differed from the noble Lord (Lord Howick) in the opinion he had expressed as to what were likely to be the feelings of the people if the sentence were reversed. He agreed with the hon. Member for Salford in thinking, that an extension of mercy would be received by the people with gratitude.

Mr. *Blackburne* did not wish to protract the discussion, but merely to express a hope that the Government would again take the case of these men into consideration; for although he knew that a decision had been pronounced in the courts of law, that under the Act of Parliament they had been guilty of the offence charged to them, yet he, for one, confessed that he was not able so to construe the Clause upon which the indictment had been framed. He, however, concurred in thinking, that that House was not the proper tribunal for discussing that question of law. Although he was anxious that the Government should take the subject into consideration, he was not prepared by voting for this Motion, to take from their hands a power which properly belonged to them. He did not like to vote against the Motion without thus stating the reasons why he should do so.

The *Attorney-General* merely rose in consequence of what had fallen from his hon. and learned Friend who had just sat down. His hon. and learned Friend had truly said, that this House was not a Court of Appeal from the decision of a Judge of Assize, and therefore it would not become him (the Attorney-General) to enter into any argument upon the question of legality. He was, notwithstanding, prepared to show by sections of the statute in question, by decisions of the Court of King's Bench, and by two other statutes agreeing with the first *in pari materiâ*, that the indictment was valid in point of law, and that there had been at the trial evidence abundantly sufficient to support that indictment. He should, however, content himself with declaring his most clear and decided opinion that the conviction had been strictly legal. He should not enter into the merits of the case, but rest satisfied with expressing a hope that the House would not consent to interfere with the exercise of the strict prerogative of the Crown?

Mr. *Harvey* expressed his surprise that any impatience should be manifested during a discussion affecting the working classes of the community, who had so few direct Representatives in the House. That class in this respect were unlike either the agricultural or manufacturing interests, whose friends, if the question affected them, would crowd all sides of the House, and secure the utmost attention. He should have hoped, that on this occasion there would have been manifested something like the appearance of impartiality, even though this debate had been extended to another night. He should have hoped that the intense anxiety prevailing out of doors, and the circumstance of nearly half a million of petitioners having approached the Legislature on this subject, would have secured something like decency in its discussion. When on that very night several hon. Members from Suffolk had called to the recollection of the House the deplorable situation of some six or eight gentlemen, some of them of the law, who had violated the best safeguards of the Constitution, in whose behalf he doubted not that to-morrow night a whole army of advocates would be arrayed, and when the suggestions that they had been torn from their families and homes (he believed for something like a fortnight) had raised such a sympathy in their favour, he had anticipated that the case of the unfortunate men of Dorchester would have received something like common attention. Their case, however, could not be discussed, even for a few short hours, without shouts of discontent, and expressed demonstrations of impatience. The Attorney-General, in the short part he had taken in this discussion, had drawn very largely upon his very high reputation, and had seemed to suppose that it was abundantly sufficient for him to place his hand upon a mass of law books, and to express as his solemn opinion, that these men had been legally convicted, and that the sentence pronounced upon them was both legal and just. Now, he thought it would almost have been worth while for the Attorney-General of the Crown and of the people to have condescended in a few simple popular terms, and not with the dryness of an Act of Parliament, just to have dispelled the impressions prevailing in the minds of several hon. Members, and other ignorant people, that the sentence was illegal. It would have been well if the hon. and learned gentleman had condescended to fortify his declaration by a reference to the statutes and to the decisions of the Courts of Law. The hon. and learned Gentleman had not done so, but having now beside him a learned Colleague (the Solicitor General), who was equally conversant with the statutes, and who would be able to reply to him (Mr. Harvey), he would state one or two points in contravention of the declaration of the hon. and learned Attorney-General. He had been furnished with a report of the trial of these unfortunate men by one of the Counsel engaged in the case, and the report contained the opening speech of the Counsel who conducted the prosecution. In that learned Gentleman's statement to the Jury, he said that the prisoners were arraigned on an indictment framed under the provisions of the statute 37th George 3rd., ch. 7, and he had made no mention of any other statute at all. Now, what was that statute (because, after all, the question was reducible to a question of common sense), and what was the indictment? A copy of the latter he had now before him, in a return obtained by the hon. Member for Finsbury, and a reference to it would show that every count in it was framed exclusively under the statute 37th George 3rd., and it was a great mistake to say, that because these men had administered an illegal oath, the verdict on that ground alone could be sustained in point of law. To justify the conviction, two distinct and separate points must be established—first, the administration of an illegal oath; and secondly, that it was administered for an illegal purpose. He knew that the hon. and learned Attorney-General, in one of those displays for which he was remarkable in the neighbouring Courts, where he would not be interrupted by cries of "Question," or shouts of "Spoke," would be well pleased to show that these parties had been guilty of an illegal combination. He had, however, also before him a copy of the objects of the combination, which it was remarkable had been pressed on the trial from the counsel for the prosecution. The objects were shown in the rules of the association itself, which were given in evidence on the trial, and which it appeared had been furnished by the turnkey of the prison, who had come into possession of a key belonging to one of the prisoners, which opened a box in that prisoner's house, containing the document in question. He must ask whether the labourers, who had an interest in their labour, had not as much right to meet, as their landlords, who had an interest in keeping up enormous rents, had to meet to promote what they were pleased to call the agricultural interest? Now, from the rules of this society, it appeared that "this society was to be called the Friendly Society of Agricultural Labourers." Why not such a society as well as a Friendly Society of Agricultural Landlords? Another rule was, "that there was to be in the society no drinking, no immorality, no conversation on politics or religion." Now, would the Attorney-General contend that a society meeting for such purposes was in itself an illegal confederacy and combination? If he would not, then where was the illegal oath administered for an illegal purpose? The administering an illegal oath was a misdemeanour in itself punishable, but not by transportation for seven years. The administering an illegal oath for an illegal purpose was made punishable with transportation by this Act. But when was this Act passed, and for what purpose? It was passed in the year 1797, for the purpose of preventing individuals from being seduced from the army and navy, and from being afterwards bound in secret societies by illegal oaths. He thought that this statement was enough to prove that these individuals had not been legally indicted and convicted under this statute. He hoped that the affecting letters which had been read by the hon. Member for Finsbury in the course of his speech, which did so much honour to the individuals who had written them, and which had produced such a strong impression upon the feelings of the House, would be laid before his Majesty by the noble Lord opposite, whose amiable anxiety to temper justice with mercy, he could speak of with certainty from his own communications with that noble personage. He had hoped, but in that hope he had been disappointed, that the noble Lord, on hearing those letters read, would have risen in his place and said, "Let the debate here have an end, and give me further time to inquire into the circumstances so feelingly depicted by these artless and uneducated, but eloquent and affecting, writers." He concluded by declaring his intention to support the Motion.

The *Solicitor-General* said, that this debate had been conducted with the most perfect calmness and propriety, until the hon. Member for Southwark rose to take part in it. He thought, however, that the success of the cause which that hon. Member advocated would not be much promoted by the tone which he had assumed in the remarks which he had addressed to the House. The reason why his hon. and learned Friend, the Attorney-General, had spoken so shortly on this Question, was to give a contradiction to his hon. and learned Friend, the Member for Huddersfield, in terms as short as those which that hon. and learned Gentleman had used when he said, that the sentence passed on these individuals was not, in his opinion, strictly legal. It would be tedious were he to go into the details of the trial; but he thought that he could state very shortly reasons sufficient to prove the complete legality of the decision to which the Judges came upon this indictment. The indictment was framed on the 37th George 3rd, c. 7. That Statute made it a felony for any person to administer to another an oath to admit him into an association for mutinous and seditious purposes, or to obey the authority of any body of men not having legal authority from the Crown, or not to give evidence against any member of their association, or not to give information of any unlawful combination or confederacy. Afterwards another Statute was passed under which this association in Dorsetshire evidently was an illegal association. That Statute was the 49th Geo. 3rd, c. 39. It declared every society which administered an oath not required by law an unlawful society. Was it necessary for him to say more to justify the proceedings in this case? There was a strong *primâ facie* cause for supposing that the Judges who tried, and the Counsel who conducted, this case were right, and he therefore trusted that the House would not take upon itself the duties of a Court of Appeal against the opinions not only of the Judges of the Court of King's Bench, but of the twelve Judges, to whom the Counsel for the prisoners might have appealed, had they been dissatisfied with the opinions of the Court of King's Bench.

Mr. *Tulk* considered, that in whatever way the Question was decided, the hon. Member for Finsbury would rest satisfied that he had done his duty, and would have the further satisfaction of knowing that the cause had not been injured by his conduct. He (Mr. Tulk) was well satisfied with the manner in which the Question had been met by the noble Lord. He could not, however, help regretting that he had made such a distinction in the objects of his mercy: he could not say that he believed the noble Lord had made out a case that the two Lovelesses were more guilty than the other four. He was not going then to enter into the Question of the justice of the sentence passed on them. He thought the House was not the proper place to raise that Question; but he asked the merciful consideration of the House, on the ground that the men were ignorant. He remembered last year, the late hon. and learned Member for Hull stated that he was ignorant of the Clause; and that undoubtedly the Clause applied to him inasmuch as being a member of a club he had taken a secret oath, and was, therefore, as much an object of justice as the six unfortunate labourers. If the hon. Member pressed the Motion to a division, he proposed the Members should vote in the following manner: that those Gentlemen, who, at the time of the unfortunate men's offence, were aware of the illegality of the oath, should vote against the Motion, but that those who at the time were ignorant of it should vote for it. He would tell the noble Lord that the effect which would be produced on the poorer classes of the country by the recal of the labourers would be very different from what he apprehended; they would see that the Government was conducted on principles of reason, not merely by force; and acquainted as he (Mr. Tulk) was with the working classes, he knew there could be no act of the Government which would be more popular among the people, and better calculated to bring around them the affections of the great body of the population, than the pardon of the Dorchester labourers. And he could not help expressing a hope that the noble Lord, upon a re-consideration of the Question, would see the propriety of, in this instance, administering mercy.

Mr. *O'Connell* hoped that his hon. Friend, the Member for Finsbury, before he rose to reply, would remember that his first duty on the present occasion was to be useful to these individuals. It would require the exercise of all his hon. Friend's judgment to decide properly on the course which he ought now to pursue. He therefore wished his hon. Friend to take his advice on the course which it was most advisable to follow. His hon. Friend must know that the House of Commons was an improper place for an appeal from the decisions of the Courts of Law. Hon. Members could not indulge their sympathies on such occasions without running the risk of injuring a great constitutional principle. His hon. Friend had heard from the noble Lord the manner in which he had already mitigated the punishment inflicted by the sentence of the Court. He had remitted the punishment of four individuals entirely, and had ordered it to be mitigated so far as regarded the other two. If, then, there was any difference between the noble Lord and his hon. Friend, it could only be with regard to that part of the punishment on two individuals which still remained unremitted. Now, in pressing this Motion, would his hon. Friend leave Ministers in that situation which was best calculated to produce a further remission of the sentence? Would he not, if Government was in a majority, as there was every reason to expect that they would be, leave the Government under the impression that the House was of opinion that they had already done enough in the mitigation of the punishment? What could his hon. Friend expect from pressing his Motion to a division? He had produced by his speech that night an effect on the House which he had never seen exceeded in his life. The letters which he had read, and which did honour to the feelings of the writers, and to the country which produced among its peasantry men capable of such feelings, must produce an effect upon the public mind. He had formerly stated it to be his opinion that the sentence passed on these men was illegal; but, on more mature consideration, he was inclined to think that opinion was erroneous. He avowed his change of opinion as to the legality, but not as to the severity, of the sentence. He must, therefore press his hon. Friend to withdraw his motion. But if his hon. Friend would not take his advice, he should vote with his hon. Friend, because he thought that the sentence ought not to be carried into full execution. He was, however, of opinion that his hon. Friend would act more wisely in leaving the consideration of mercy in the hands of the noble Secretary for the Home Department, and in giving him an opportunity of advising his Majesty to exercise towards these individuals one of the most valuable and delightful prerogatives of the Crown.

Sir *Robert Peel* said, that he should give his vote on this occasion upon a great principle which excluded any reference to the individual merits of the case. He thought that the consideration of it ought to be left in the hands of those who were responsible for their decision—he meant, in the hands of the executive Government. He did not dispute—on the contrary, he admitted—the right of the House, if it entertained a suspicion that the course of justice was perverted for corrupt purposes, to interfere for the purpose of redressing so great a wrong. He did not, however, see that there was any allegation or even any suspicion that Government had been actuated by any improper motive in the consideration of this case, and therefore, he should recommend the House to leave the Question in the hands of the executive Government—the constitutional party by whom the punishment ought to be fixed. He did not hesitate to say that if Government should be in a majority in resisting this Question, that majority ought to have no influence in their minds with respect to their ultimate decision respecting these individuals. He did not give his vote on the principle of defending unnecessary severity. He did not give his vote in reference to the merits of the case, he left that entirely in the hands of the Government. He should recommend the noble Lord, who now filled the office which he himself had formerly had the honour of filling, to consider this case on its intrinsic merits, and to forget what passed in this House. Having ascertained the legality of the sentence, the Government ought to adhere to this principle, that no proceedings taken in the House of Commons should influence their judgment, unless the House went the length of asserting its right—which he did not deny—of charging the Government with improper motives. He should give his vote against the Motion.

Mr. Sergeant *Wilde* said, that he happened to be at Dorchester when the case of these men came on for trial. He was generally intrusted with the care of conducting the prosecutions instituted by Government on that circuit; and in performance of that task upon that occasion he had carefully looked into the statutes against which they were charged to have offended, in order that he might discharge his duty properly. He came to the conclusion that if the witnesses should prove the facts which were communicated to him as the groundwork of the prosecution, the parties, whom he was directed to prosecute, had been guilty of the offence mentioned in those acts of Parliament which had been quoted by his hon. and learned Friend, the Solicitor-General. The hon. and learned Member proceeded at some length to argue the legality of all the proceedings in this case; and at the conclusion of his argument said that he had not risen to offer any objection to the extension of mercy to these misguided individuals. He thought, however, that any doubt as to the legality of their sentence formed a very different subject from the consideration of their claims to mercy. He thought, too, that it was a doubt which ought to be disposed of, before the claims for mercy were even considered; for the claims of justice were the first claims which ought to be satisfied. If the parties were suffering under an illegal sentence, it could not be for the public good that they should any longer suffer a punishment which the law did not affix to their offence; but if they were legally convicted of an offence clearly denounced by the law, then it was not usual for the House to interfere with the exercise of the most valuable prerogative of the Crown.

Mr. *Wakley*, in reply, said, when the noble Lord opposite had any question to propose hon. Members showed the utmost forbearance for hours; but when the case of poor labourers was introduced to the House, he hoped the Representatives of the people of England would not refuse some time to them. He trusted these wretched sufferers would not be repulsed because they were poor. The impatience which had been displayed by some hon. Members during the consideration of the case of these poor and unfortunate individuals, formed an instructive contrast to the attentive patience which had been paid to a recent motion which affected the honour and character of a nobleman of rank, who filled the situation of Lieutenant of an Irish county. He would not, however, prejudice his clients by exciting unpleasant feelings, but would proceed to notice some of the objections made to his Motion. And first with regard to the objection which had been made to his Motion, on the ground that it was an improper interference with the prerogative of the Crown, he had only to observe, that he had consulted their journals, and found more than one instance of such interference with it as he had proposed. One instance was of so extraordinary a character that he would briefly state the nature of it to the House. In the year 1814, the noble Member for Devonshire (Lord Ebrington) moved that an address be presented to the Crown for remission of part of the sentence inflicted by the Court of King's Bench on Lord Cochrane. On that occasion Mr. Michael Angelo Taylor expressed his regret that a question which had been decided by a jury should be brought under the cognizance of that House, because he was convinced that that was not the place in which the merits of a proceeding of the kind could with propriety be tried. The best and safest way, as it appeared to Mr. M. A. Taylor, was to leave the prerogative of mercy unmolested, where the constitution had placed it, and not to attempt any interference whatever. To this argument a reply was given by an hon. Member, whom the House acknowledged to be high authority in all cases of parliamentary practice and privilege—he meant the right hon. Member for Montgomeryshire. That gentleman said that—"if they subscribed to the doctrine of his learned Friend, there would be at once an abandonment of their best rights, privileges, and immunities. His learned Friend had said that it was better to leave the prerogative of mercy just where the constitution had placed it; and he seemed to think it would be a violation of the constitution to interfere with it. Now he denied that there was any prerogative of the Crown which that House had not a right to interfere with, so far as to give advice with respect to the way in which it ought to be administered. Not only did the House give advice in the two cases cited by his noble Friend, but in many others. He did not mean to say that the House were not bound to examine the particular case before them, and every other in which their interference was called for; but he could not allow that they should sit down shorn of one of their greatest privileges. It was as much their duty, if they thought the punishment undeserved, to come forward and address the Crown on the subject, as it was that of the Ministers of State. They were the great council of the nation: Ministers were merely the council of the Prince."* The hon. Member who spoke last, told the House that he was at Dorchester at the time of the trial, and that he had a brief. He could not attach much value to the opinion of the hon. Member in this case, for lawyers were so much in the habit of making truth falsehood, and falsehood truth, that they lost all power of just discrimination. He did not defend the oaths of secret societies—they carried dishonesty on the face of them; and if these societies were fair why should they be ashamed to meet the face of day? But these men were ignorant, and had in their ignorance taken such an oath. Still they had not, in his view, done any thing illegal, and were not justly punished. The children of these unhappy men cried to the House for pity. If the House listened to their cries, it would receive the gratitude of the poor of England; but if they rejected them, he hoped the people, if they were wise, would form legal societies, and return proper men to that House. The hon. Member concluded by expressing his regret that he could not comply with the suggestion of the hon. and learned Member for Dublin to withdraw his Motion. He felt he could not discharge his duty without pressing the Motion to a division.

The House divided on the Motion: Ayes 82; Noes 308—Majority 226.

List of the AYES.

Aglionby, H. A.	Baldwin, Dr.
Ainsworth, P.	Barnard, E. J.

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* Hansard, vol. xxviii. p. 777.

Attwood, T.
Baines, E.
Blake, M. J.
Beauclerk, Major
Bish, T.
Bodkin, J. J.
Bowring, Dr.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Buller, C.
Bulwer, H. L.
Butler, Hon. Colonel
Cayley, E. S.
Collier, J.
Crawford, S.
Dennistoun, A.
Dobbin, L.
Duncombe, Hon. W.
Duncombe, T.
Dundas, Hon. J.
Elphinstone, H.
Euston, Lord
Ewart, W.
Fergus, John
Fielden, J.
Finn, W. F.
Forster, C.
Gully, J.
Harvey, D. W.
Hawes, B.
Hector, C J
Hindley, C.
Hodges, T. L.
Hutt, W.
Kemp, T. R.
Lawson, A.
Lister, E. C.
Lowther, Hon. J. H.
M'Cance, J.
Macnamara, Major
Marsland, H.
Maxwell, J.
Molesworth, Sir W.
Musgrave, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, M.
Power, P.
Philips, M.
Phillipps, C. M.
Richards, J.
Rippon, C.
Roebuck, J. A.
Rundle, J.
Ruthven, E. S.
Ruthven, E.
Scholefield, J.
Sinclair, G.
Spiers, A. G.
Strickland, Sir G.
Thompson, Colonel P.
Thornley, T.
Tooke, W.
Trelawney, Sir W.
Trevor, Hon. A.
Tulk, C. A.
Wall, B.
Wallace, R.
Walter, J.
Warburton, H.
Wason, H.
Whalley, Sir S.
Wilks J.
Williams, W.

TELLERS.

Hume, J.
Wakley, T.

GAME LAWS (SCOTLAND).] Mr. *Fox Maule* moved for leave, according to his notice, to bring in a "Bill for relief of the tenants and occupiers of land in Scotland from the damages done to their crops by hares, pheasants, and rabbits." On two farms of 132 acres, thirty-three of which were in pasture, the damage done by game last season, was no less than *335*. Against this loss the farmer had no protection, and in the present state of the law could obtain no redress. The Bill he wished to bring in would remedy them by allowing the tenant to kill the game, and in compelling landlords in all existing leases to submit to arbitration.

Admiral Adam seconded the Motion.

Viscount *Stormont* doubted the utility of the proposed Bill, but he would not oppose the Motion.

Sir *George Clerk* did not think that any alteration of the law was necessary, for at present injured tenants could recover compensation from the preservers of game.

Mr. *Jervis* was decidedly against interfering between landlords and tenants. As the law now stood, tenants had the remedy in their own hands.

Mr. *Benett* understood that the object of the Bill was only to assimilate the law in the two countries, and he would support the Motion.

Captain *Wemys* said, the Bill would lead to endless controversies between landlords and tenants. The hon. Mover had greatly exaggerated the evil of the present system, and he thought the Bill so uncalled for, that he would divide the House against the Motion if he stood alone.

The *Lord-Advocate* did not agree with the gallant Member. The game laws in Scotland were a perfect nuisance to the tenants, and certainly the law as it at present stood was not adequate to give them relief.

Mr. *Philip Howard* thought the principle of the Measure bad, and not regarding it as a cabinet measure, he should oppose it at once.

The House divided: Ayes 50; Noes 76; Majority 26.

SOUTH SEA DUTIES.] Mr. *Young* moved for leave to bring in a Bill to repeal certain Clauses in the Act 55, Geo. 3rd, c. 57, imposing duties on tonnage and goods in the trade with countries within the limits of the exclusive privileges of the South Sea Company. The hon. Member explained that the Clauses he wished to have repealed, threw a great burthen exclusively on the shipping interest. It was as unnecessary too as it was unjust.

Mr. *Poulett Thomson* said, that the Government contemplated a general measure, to include these duties which had been hitherto delayed owing to the difficulties of the subject. He hoped the hon. Member would withdraw his Motion.

Mr. *Young* would withdraw his Motion, on the understanding that a measure would be introduced next Session.

Motion withdrawn.

HOUSE OF COMMONS,

Friday, June 26, 1835.

MINUTES.] Bill. Read a third time:—Corn Trade (Isle of Man).

Petitions presented. By Mr. BORTHWICK, from Evesham, against the Municipal Corporation Bill.—By Messrs. C. BULLER, P. M. STEWART, GROTE, and TOOKE, from several Places,—for the total Repeal of the Duty on Newspaper Stamps.—By Mr. SHARMAN CRAWFORD, from two Places, against Tithes.—By the Earl of LINCOLN, from Kettering, against the Imprisonment of John Childs.—By Sir GEORGE GREY, Mr. HINDLEY, and another HON. MEMBER, from Plymouth and other Places,—in favour of the Municipal Corporation Bill.—By Mr. GROTE, from Stamford, for Vote by Ballot; from the Licensed Victuallers of London and Essex, for the Repeal of the Duty on Spirit Licenses.—By Mr. HESKETH FLEETWOOD, from Preston, for a Law to Suppress Drunkenness.—By Lord C. HAMILTON, from Tyrone and other Places, for the Renewal of the Linen Manufactures' (Ireland) Act.

GREAT YARMOUTH.] Mr. *Grote* presented a Petition, signed by 1,350 persons of Great Yarmouth, praying for the Ballot, in consequence of the scenes of drunkenness and riot which were seen at the last election, and stating that the corrupt voters who gave their votes for the sitting Members had been rewarded with two guineas a-piece. He moved that the petition be brought up.

Mr. *Thomas Baring* said, with regard to the charges of the petitioners, he had only to make this answer, that no one should make these charges slightly or inconsiderately. If advisedly, the parties ought to bring proofs, and establish the case, as an act of duty to the country and to the House of Commons. But if they failed to make use of the legal remedy, and reserved the opportunity of making these insinuations and *ex-parte* statements, they made themselves liable to one of these two conclusions—either that these charges were without any testimony upon which to rely sufficiently to warrant taking them before a Committee, or if they brought them before a Committee, they feared that they themselves might be implicated in similar transactions; so that the object was not so much the purity of election as to suit party purposes. Such would be the answer that he would make to those electors who had forwarded such insinuations to the House. He believed that he had a greater portion of the electors in his favour than either of the other candidates, a majority of the electors holding opinions coincident with his own. Undoubtedly a great excitement prevailed during the election, and scenes occurred which in calmer moments all must deplore; but he was not aware that the excitement was more on one side than the other, and he must do his opponents the justice to say, that they had behaved to him with exceeding politeness, for which he thanked them. But he rather thought that the object of this petition was not to discontinue, but to prolong the party spirit which prevailed, and he would ask if the result of the election had been different, would such a petition have been presented? With regard to the Ballot, his conscientious opinion was, that it would not remedy the evil complained of.

Mr. *Rigby Wason* considered that the allegations were of too serious a nature to be disposed of by mere denial. The petitioners stated, that since the fourteen days expired, and, within a short time after the expiration, two guineas had been paid as head-money. Surely the hon. Member might have informed the House whether such a payment had been made or not. The House ought to know whether such an allegation were well or ill founded; and the hon. Member was perfectly aware, that after the fourteen days, no petition could be presented under the Bribery Act against his election; still the facts were serious, and he (Mr. Wason) had heard of them three weeks ago.

Mr. *Thomas Baring* said, that he should only make the answer he had already made, but he was ready to meet any charge that might be brought before any Committee.

Mr. *Rigby Wason* hoped that the hon. Member for the city of London would move for a Select Committee.

Mr. *Thomas Baring* said, that some hon. Members appeared to be very anxious to have Committees, but as there had been no charge made against him in the regular form, he considered himself virtually acquitted.

Sir *John Wrottesley* begged to remind the hon. Member that one reason why the charge had not been made in the regular form was, because the given period (fourteen days) allowed by Act of Parliament had expired, and another reason was, the enormous expense attending election petitions. He trusted that the allegations would be contradicted if not true; but he was bound to state that he had heard from several quarters on which he could place much reliance, that within three weeks after the election, two guineas head-money was paid in Great Yarmouth, and from whence that money came he would leave others to conjecture. There was a Bill before the House now respecting the county town of the county he represented, and he hoped the House would deal equal justice to all.

Mr. *Ruthven* believed that there was very good reason for people not running the risk of petitioning for Election Committees. In this case there was a direct specific charge made, and he thought that in the present circumstances of the town, it was necessary that there should be some inquiry. There were many reports from Committees with reference to bribery. Were the people to be deluded by the mere printing of these reports, and were no steps to be taken? If this borough had been sold at the rate of two guineas per head, he did not think that it was a bit better than Stafford. All thesecorrupt boroughs ought to be treated alike. If the hon. Member who presented this petition thought that there was good ground for moving for a Select Committee, he thought that was the fairest way to proceed, and would relieve the people of Yarmouth from such charges if they were not well founded. The hon. Member opposite (Mr. Baring) was certainly not bound to answer the charges of this petition—it was for him to take what course he thought proper—it must be left to his own impulse; but a Select Committee would do something which could not be done here, and he trusted that in this case the hon. Member who had presented this petition would move for a Select Committee.

Mr. *Jervis* thought with the hon. Member for Dublin, that the best plan would be to refer the petition to a Select Committee, not with any view of involving the Members in difficulties, but because he thought the petition referred to a matter of extreme importance.

Mr. *Grote* could assure the House that he would be the last person to bring forward any measure bearing upon the hon. Gentleman or his friends, if the legal tribunal were easy of approach. It was not because they were unable to prove the charges, but because they were in want of the necessary funds. The petition was numerously and respectably signed, and was presented simply with a view of adopting means to vindicate the purity of election. The only reason why he had any objection to move that this matter be referred to a Select Committee was, that he was personally overcharged with Committee business; and that it would be impossible for him to attend to it. But if any other Gentleman should think fit to originate the Motion, it should receive his most cordial support.

Mr. *Kemeys Tynte* said, that he did not think that it would be sufficient to lay the petition on the Table, and he therefore moved that it be printed.

Petition to lie on the Table, and to be printed.

IPSWICH ELECTION.] Mr. *Patrick M. Stewart* rose to call the attention of the House to the Petition of John Bury Dasent. He would not trouble the House with any statement, as the nature and history of the case must be fully in the recollection of hon. Members. He meant to move for the discharge of the petitioner, because he stated his contrition for offending against the privileges of the House, but principally because he expressed his willingness to come forward at any time to give fully and freely his testimony respecting all the circumstances connected with the Ipswich Election within his knowledge. He had no wish himself but that every fact should be disclosed, and that all persons who were capable of giving evidence on matters relating to such important interests should be kept within reach, that hereafter they might be made to divulge all they knew. The Motion, however, for the discharge of Mr. Dasent was supported by all the precedents of former proceedings on similar occasions; the dignity and character of the House had been vindicated, and the petitioner had already endured a longer imprisonment than had before been inflicted upon any individual who had committed the same offence. It was now time, therefore, to relieve Newgate from some of its burthens. At the same time he would keep the parties within reach, although he would allow them to have their liberty that they might discharge their duties to their families, which, in some cases, were pressing. He moved that John Bury Dasent, Esq. be brought to the Bar, in order to be discharged.

Mr. *Gisborne* did not mean to oppose the Motion, but after the part he had taken in the business, it was perhaps right for him to state in what way the evidence bore upon the case of Mr. Dasent. He would also state the principal ground which would induce him to consent to his discharge—a ground that had not been touched on by the hon. Member. The hon. Member referred to some of the circumstances which were given in evidence before the Ipswich Committee, to show that Mr. Dasent had purposely kept out of the way of the Speaker's warrant. He must complain, too, that one allegation in Mr. Dasent's petition was not well founded, viz., that he had given his testimony before the Committee without reserve; on the contrary, he had positively refused to answer the question why it was unpleasant to him to appear as a witness. He had also said, that to give his evidence at all was optional, which, instead of being a palliation, was an aggravation, when it was recollected that he avoided being summoned by the petitioners, and had only come forward on behalf of the sitting Member, when the case of the petitioners was closed. The conduct of Mr. Kelly, also, seemed to have been distinguished by unfeeling selfishness, and he would state why he gave this opinion upon it. Mr. Kelly had put his friend and pupil, Mr. Dasent, into the witness box, not to deny that he had been guilty of bribery, but to admit it; but at the same time to assert that he was not authorized by either of the sitting Members, Mr. Kelly or Mr. Dundas. Such conduct was both unfeeling and selfish on the part of Mr. Kelly. The reason, however, why he would not resist the Motion for the discharge of Mr. Dasent was, that he found in the evidence ample ground to warrant the House in directing the Attorney-General to prosecute Mr. Dasent for bribery. After the Motion now before the House should have been disposed of, he would endeavour to show what that ground was; he would, however, not enter into that part of the question now, but allow Mr. Dasent to be dismissed, having already, perhaps, undergone sufficient punishment for his contempt of the process of the House. Mr. Dasent had himself admitted his guilt in respect to bribery, with a voter of the name of Bird, and his admission was confirmed by Bird's evidence, but he had insisted that he was not authorized by either of the sitting Members. The case, therefore, seemed to him a very clear one; he had merely stated it because some hon. Gentlemen seemed to think that the House ought to have the whole matter before it anterior to the appearance of Mr. Dasent at the Bar, with a view to his discharge.

Lord *John Russell* should, with regard to the case of Mr. Dasent, on which his hon. Friend had made a Motion, offer no resistance to that gentleman's discharge. His offence was absconding to avoid being served with the warrant of the Speaker, and for that, perhaps, his punishment had been sufficient. He was not, however, willing now to enter into the question of bribery, but merely to consider the circumstances under which the House had recently exercised its peculiar and immediate power. The charge of bribery might very properly be brought forward on a future day, and then the House might consider what course it was proper for it to take regarding a crime punishable by law. In agreeing to the Motion for the discharge of Mr. Dasent, he was only to be understood to say, that for the offence against the privileges of the House, he thought, that the imprisonment had been adequate, taking into account the admonition he would receive from the Chair. The other, and subsequent question, deeply affected the purity and character of elections, but he hoped that it would take time to consider before it came to any determination upon it.

Mr. *Harvey* could not help thinking that the votes of the House would be more intelligible and more expressive of the truth, if, when published to-morrow morning, it were found stated in them, that at half-past five in the afternoon a process was gone through to show how contempt of the House could be made easy. Members were called upon in their judicial capacity to decide upon the case of a prisoner, when not one in ten could know any thing about the matter. Two charges had been spoken of in the discussion; first, that the petitioner, being a necessary witness before a tribunal appointed by the House, had kept out of the way that he might not be summoned; and for this, having undergone the very serious punishment of a few days' imprisonment, he was to be reprimanded with all the courtesy of language the Speaker was known to possess, and then to be discharged. The second charge was, that the prisoner had been guilty of bribery, and, therefore, that he ought to be prosecuted by the Attorney-General. Of the second charge he would say nothing: it was a distinct substantive accusation which would be dealt with, he had almost said by a higher tribunal, but certainly higher as regarded its power of punishment. As to the first charge, the contempt, it seemed to him that in the degree in which the powers of the House were defective, ought to be its care to guard its privileges by the severity of punishment it was capable of inflicting. It ought not entirely to dismiss from consideration the point, Who was the culprit? Was he a person uninformed and unenlightened, who was ignorant of the obligations he owed to the institutions of his country? Was he some simple unsuspecting man who had been unintentionally entrapped into the commission of a public crime? Is he (said the hon. Member) like one of the poor men whose cases were under consideration last night, and who are suffering under sentence of transportation, torn from all the little comforts that belong to the cheerless lot of the labouring community, and which render a cottage little better than a curse? No! he is a barrister, who is presumed to have gone through a liberal course of education to fit him for the administration of the law, and to have passed through the ordeal of moral scrutiny exercised by parties who are so perfect that they are not even responsible. Moreover, he has had the advantage of being educated for the bar, under an individual clothed in the silk of distinction, and sitting in the Council Chamber of the Benchers, as one of the watchful guardians of the purity of the profession. He was the pupil of a practitioner who, from being a little shopkeeper and tea-dealer in Oxford-street, has risen to the dignity of sitting as one of the Judges of an irresponsible tribunal. Mr. Dasent was the pupil of Mr. Kelly, who has been elevated from the station I have mentioned to a rank and office that is denied to the judges of the land, where he sits in judgment upon the merits and character of every man who is a candidate to be called to the bar of this country. But now we are told that this is a case for clemency, and that sufficient punishment has been inflicted: it is important, therefore, that we should examine what is the nature of the offence. What punishment would be applied to a person similarly circumstanced before any of our ordinary tribunals? Here is an individual—a man of education giving him, it is to be presumed, a peculiar prominence of moral fitness, who studiously and confessedly avoids the process of the House. The hon. Chairman of the Committee said something about the prisoner's family alliances, and therefore appealed to our sympathies. Ignorance, if it existed, might be made a plea in a case of this sort, but ignorance is no plea for a man of this description. Mr. Dasent is a barrister; he has placed himself in a situation from which, in the career of promotion, by no very violent stretch of the imagination, he may step upon the judicial bench, and I should like to hear what he would say if, as a judge, he were called upon to pronounce an opinion upon the conduct of an unhappy individual who had disobeyed a *subpœna* of his court. "He would remark further," Mr. Harvey continued, "upon the manner in which Mr. Dasent had conducted himself, contending that he had committed a double offence, first, by absconding to avoid the Speaker's warrant, and next, by confessing that his own criminality had occasioned him to keep out of the way. He (Mr. Harvey) could hardly conceive a charge more complicated or more criminal. The hon. Member for Derbyshire had promised to move the House, that Mr. Dasent be prosecuted for bribery by the Attorney-General, and it was to escape from liability to this proceeding, that Mr. Dasent had kept out of the way. He really did not think that individuals who had committed such offences as had Mr. Dasent and his companions, were entitled to much sympathy on account of having suffered three weeks' imprisonment in the metropolitan receptacles for persons of that description. They were confined in the governor's house, and could command all the luxuries that were obtainable at the London Coffee-house. To be sure, it might be said there was a difference in this respect: in the London Coffee-house, people were not obliged to sleep as thick as two in a bed; but where parties had so good an understanding with each other as subsisted between these, it could not be supposed that that would put them to any particular inconveniences. If the House assented to the Motion for the discharge of Dasent, that individual would not have received as much punishment for his offence as was often inflicted on innocence itself. Who was there who had not seen accounts of miserable beings brought up before the Lord Mayor on some such charge as that of having stolen a loaf of bread from a baker's shop, probably for the purpose of appeasing hunger? On a statement being made by the officer, that the prosecutor was out of town and would return in a fortnight, or that all the evidence was not complete, with what indifference—with what an absence of feeling on the subject, in this House, or through the various ranks of opulence and distinction, was that unfortunate person "remanded till this day week;" then brought up again and "remanded till this day fortnight?" There were no sympathies for him. And if, eventually, on his being brought up, it turned out that there was no prosecutor, or that there existed no foundation for the charge, then, indeed, there was some appearance of commiseration; and it was discoverable up in a corner, in a sort of parenthesis, which told them that the Lord Mayor had presented the miserable being with a crown out of his own pocket. What, however, was the course in a case like the present? Here was an individual, who had been convicted of a grave offence; he had been under restraint for three weeks, and sympathy was all alive in his behalf; they were told that he was a young gentleman of great promise, belonging to a profession of high character, that he was most respectably connected, and that some regard should be had for the feelings of himself and friends. It might be said also,—let them see what awaited him—he was about to be handed over to the tender mercies of his Majesty's Attorney-General! To this he would say, could it be imagined that if this person were now called to the bar and discharged, they would ever hear of him in this House again? If, however, a Motion were hereafter made, to the effect that his Majesty's Attorney-General be instructed to prosecute Mr. Dasent in a Court of Justice, he could fancy the cries of "Oh, oh!" with which hon. Members would mark their sense of such a proposition. They would exclaim, "What! bring up his name again! Was he not confined in Newgate for a fortnight or three weeks? Was he not taken away from his family and Friends, and confined in the House of the Governor? Was he not in solitary confinement?" Then the noble Lord opposite, who, with his various important occupations, was too much engaged to be very alive to matters of this sort, the noble Lord would, perhaps rise from his seat, and make it a request to the hon. Member who had given notice of the Motion, that he would put it off till after the third reading of the Municipal Corporations Bill. Then, on some after occasion, probably, another hon. Member would beg to remind the hon. Gentleman that the Irish Church measure stood for this evening, and he would much consult the public interest if he would give way in favour of so important a subject; so between the Municipal Corporations and Irish Church Reform, Mr. Dasent, the offender, would make his escape. But then at the end of the session, perhaps, some hon. Member would rise to say he did so to give notice on popular grounds, in order that his constituents might understand that he was alive to these matters, that next session he should consider it his paramount duty to bring the subject forward. Well, next session it was brought forward, and what was the general sentiment? why, that it was not decent at all to renew the matter. It would be said, here was a young man of brilliant character, of high attainments, of amiable feelings, and with most respectable connections—if there should be any hon. Member who knew Mr. Dasent, and could speak to his respectability, that would be enough, that would be conclusive—but at all events it would be asked whether, in the case of such an individual, it was fair, after the lapse of a period of four months, for his name to be again brought before the public, and submitted to the vulgar gaze? It would be urged that he ought not again to be subject to vulgar imputations being cast upon him, that to pursue such a course would be inconsiderate and unkind, and the House would be implored not to visit its judgment upon the young gentleman with vindictive feelings. If he were now brought before them, it would be but consistent with such conduct, if the Speaker were to address him in these words: "John Bury Dasent, I congratulate you on the insufficiency of the power of this House to punish you to the extent that your serious offence requires, but you must understand that this House is full of indignation when it contemplates the acts of which you have been guilty. It is hoped, however, that the imprisonment you have already suffered will prove a check to you, and that you will not again be so indiscreet as to go to such a place as Ipswich, unless you are better versed in the means of escaping detection." He would say seriously, that if they were to conscientiously perform their duties as judges, let them go through the process of something like an inquiry; but if on the other hand, they were to have their dullness and the tedium of their grave business enlivened by farces of this description, he had no objection to pay for his seat and be one of the spectators, only let it be fairly understood in what character it was that they were called there. Having left the House at one o'clock this morning and got up at six, he had occupied himself in reading the evidence in this case from six o'clock till nine. At twelve o'clock he took his seat as Chairman of the Committee on Public Charities and since the Committee he had been giving his attendance in the House. He was not supposing that his industry was more signal than that of all who were about him, but he did say that he had no time to look into the evidence to enlighten him as to any judgement that he could reflect on with satisfaction. With regard to Mr. Dasent, he had never seen or heard of him till he saw the report of the Committee; it was not his wish that any man should be incarcerated for an hour; but looking at this as a judicial subject, feeling himself called on as one of 600 individuals whose duty it was to pronounce an opinion, contemplating this House as the highest court of jurisdiction in the country, and in that capacity called on under solemn circumstances for their adjudication, he must say that he thought more time ought to be allowed for investigation before they adjudicated on any one of the cases of the petitioners. If they were this evening to discharge Mr. Dasent for having evaded service of the process of the House, and if then the hon. Member for Derbyshire were to move that his Majesty's Attorney-General should be ordered to prosecute him for bribery, many hon. Members would say that the latter was another question altogether—that whether they should indict for bribery and expose to all the penalties attaching to that offence, this young and hopeful man, was a matter for very grave consideration. Would it be wise first to let the bird out of the cage, with the intention of then determining whether they should let fly at him? If the House were prepared to adopt the Resolution of the hon. Member for Derbyshire, and to effect that his Majesty's Attorney-General was to prosecute Mr. Dasent for bribery, then he should say, let that individual by all means be instantly let out of custody; but if, in the first place, they determined that he should be reprimanded and discharged, then he would venture to say that they never would come to the resolution that this person was to be prosecuted for bribery. It would be said, that there were two charges against him; one was that he had evaded the process of the highest court of judicature in the kingdom and the other was, that he had committed an offence which exposed him to statutable penalties. With reference to the punishment Mr. Dasent had suffered, he would ask, was not every witness bound to attend a Court of Justice under the severest penalties? It was nothing to say that they had unseated the late Members for Ipswich, because the whole weight of the case might have fallen upon this state of things. If the question was to be disposed of in a spirit of whining sympathy then it was only for them to say to Mr. Dasent that they had not the power to detain him longer—that they regretted the interruption that had occurred to his domestic comforts, and the other inconveniences he had sustained—that he would depart from the Bar, carrying with him the admiration of the House—that they trusted that during his incarceration the keeper of Newgate had shown him every delicate attention, and that if he ever should find his way into that House again, they would afford him an excellent reception, since he had shown by his ingenuity that his qualifications were considerable. The hon. and learned Gentleman concluded by saying, that though not acting on his oath in that House, he felt imposed upon him the higher obligation of being called on honourably to discharge his duty and he was actuated by that feeling when he called on the House to adopt a different course from the one which had been proposed.

Mr. *Patrick M. Stewart* said, that the hon. Member for Southwark, who had just resumed his seat, had misstated the Motion he had made. He had before said, that he wished the House to limit the punishment to the crime of which Dasent stood convicted, and he did not think it necessary to anticipate the punishment which he would probably receive for another alleged crime. The crime of which he was convicted was simply an evasion of the summons of the House, and when he came to look to the precedents, he found that the punishments for similar offences had seldom equalled, and had never exceeded, the punishment which Dasent had undergone. His Motion was simply that this person should be called to the Bar; he was anxious that Dasent and all the other offenders should be held within the dominion and power of the House till inquiry had been made into every part of the case, and justice was satisfied. Such was the course pursued in the Camelford case. Dasent having declared that he was ready at all times to give full information to the House, he felt himself justified in making this Motion. He agreed that further proceedings ought to be adopted, and he heard that they were to be. He never meant that the punishment of Dasent for crimes unproved should be limited by the Motion now made.

Mr. *Montague Chapman* said, that if Dasent had been guilty of corruption on the largest scale, the observations of the hon. Member for Southwark might have been called for, but as his offences were limited in number he thought the hon. Member had pressed very severely on a very young man. He did not wish to indulge in what the hon. and learned Gentleman called whining sympathy; but he thought that any sort of whining sympathy was preferable to language so severe as that which the hon. and learned Member had used against an individual whose case he was confessedly unacquainted with. Dasent and Pilgrim had offered to come to the Bar and state fully and frankly every thing that might be required of them. Under these circumstances he should support the Motion of his hon. Friend.

Mr. *Warburton* said, that Dasent, according to his own confession, evaded the service of the process of the House, under most aggravating circumstances. He had admitted himself, that he had evaded giving his evidence so long as it was wanted for the general purposes of justice, but he did come forward when he thought his evidence might be of service to his own particular friends. The hon. and learned Member for Southwark had adverted to the manner in which courts of justice visited a party with punishment who previously withdrew himself from the service of the process of those Courts. If an individual neglected to attend to give evidence in an action, the party who subpœnaed him as a witness might proceed against him by action to recover all the costs in the suit, and damages to the extent to which the party had lost by his absence. That was one mode. The other was, whether a party suffered by a witness's absence or not, if the Court chose to proceed against him by attachment, he was subjected to interrogatories at his own expense; and if judgment were given against him, an attachment issued, and there he remained in prison, *sine die*, unless he compromised with the party at whose instance the attachment was issued. Now he begged to ask, what was a fortnight's confinement, as compared with the punishment for such offences in a Civil Court?

Mr. *Walter Campbell*, having been a Member of the Committee, was bound to say that he thought there were mitigating circumstances in the case of Mr. Dasent. He would therefore support the Motion.

Mr. *Hardy* said, it appeared that Dasent had taken an active part in the illegal practices which had been discovered in the course of this investigation; and if the House should be of opinion that he absented himself in order to avoid criminating himself, they would treat him as other individuals were treated, who absented themselves to escape detection. If he absented himself to obstruct the course of justice, and to screen others, the House would treat him with greater severity. He should feel it is duty to vote that the Attorney-General be instructed to prosecute Dasent for the graver offence; and he should vote for this Motion on the understanding that the House would take that course.

The House divided, when there appeared for the Motion 190; Against it 141; Majority 49.

List of the Noes.

Adam, Admiral C.
Alston, Rowland
Angerstein, John
Astley, Sir J., Bart.
Bagshaw, John
Baldwin, Dr.
Bannerman, Alex.
Baring, Francis
Barnard, E. G.
Barron, H. W.
Barry, Garrett S.
Bellew, Richard M
Bewes, Thomas
Biddulph, Robert
Bish, Thomas
Blake, Martin J.
Bowring, Dr.
Brady, Denis C.
Bridgman, Hewitt
Brodie, Capt. W. B.
Brotherton, Joseph
Brown, Rt. Hon. D.
Bulwer, E. L.
Burdon, William W.
Butler, Hon. Pearce
Buxton, T. F.
Byng, Hon. George
Cavendish, Hn. C. C.
Callaghan, D.
Cavendish, Hn. G. H.
Chalmers, Patrick
Chichester, A.
Clive, Edward B.
Codrington, Sir E.
Cowper, Hon. W. F.
Crawford, William
Curteis, Major
Dalmeny, Lord
Denison. Alex.
Denniston, Alex.
Divett, Edward
Dunlop, Colin
Ebrington, Viscount
Elphinstone, H.
Evans, Col. De Lacy
Evans, George
Ewart, William
Fergus, John

Finn, William F.
Fitzsimon, Nicholas
Folkes, Sir Wm. Bt.
Gaskell, Daniel
Gillon, William D.
Gisborne, Thomas
Gordon, Robert
Goring, Harry D.
Grattan, James
Grosvenor, Rt. Hon. Lord R.
Grote, George
Guest, Josiah J.
Hall, Benjamin
Hardy, John
Harland, W. C.
Harvey, D. W.
Hawes, Benjamin
Hawkes, Thomas
Heneage, Edward
Hodges, Thos. L.
Hume, Joseph
Humphrey, John
Hutt, William
Jervis, John
Johnston, Andrew
Kerry, Earl of
Lemon, Sir C., Bart.
Lister, Ellis C.
Loch, James
Lushington, Charles
Lushington, Dr. S.
Mackenzie, J. A. S.
Macleod, Roderick
M'Cance, John
Maher, John
Mangles, James
Majoribanks, S.
Marsland, Henry
Martin, John
Maule, Hon. Fox
Milton, Viscount
Mostyn, Hn. E. M. L.
Musgrave, Sir R. W.
Nagle, Sir R., Bt.
O'Brien, Wm. S.
O'Connell, M. J.
O'Connell, Daniel
O'Connell, Maurice
O'Connell, Morgan
O'Connell, J.
O'Ferrall, R. M.
Oswald, James
Parker, J.
Parrott, J.
Pease, J.
Philips, M.
Philips, C. M.
Ponsonby, Hon. John G. B.
Potter, R.
Power, J.
Ramsbottom, John
Roche, W.
Roche, D.
Rundle, J.
Russell, Lord C. J. F.
Ruthven, E.
Scholefield, J.
Sheil, Richard L.
Smith, Benjamin
Speirs, Alex. G.
Steuart, Robert
Strutt, Edward
Stuart, Lord James
Sullivan, Richard
Talbot, J. H.
Thompson, Col. P.
Thomson, Rt.Hn.C.P.
Thorneley, T.
Trelawney, Sir W.L.S.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Walker, C. A.
Warburton, H.
Ward, H. G.
Wemyss, Capt. J.
Westenra, Hon. H. R.
Wilbraham, G.
Williams, Sir J.
Williams, W. A.
Wilson, Henry
Winnington, Captain H. J.
Wood, M.
Wood, C.
Wrottesly, Sir J., Bt.

PAIRED OFF.

Pelham, A.
Norreys, Lord

Mr. *Hawes* rose to move that Mr. Pilgrim be called to the Bar, with the view to his being discharged. He said, all that the House had to consider in the case of that individual was, the act of his absconding to avoid the service of the Speaker's warrant; they had nothing to do with the conflicting statements of opposite parties. He did not think that it was necessary for him to enter minutely into the circumstances of the case, but that he might safely leave it to the clemency of the House. The individual in question stated in the petition which had been presented yesterday, "that whatever improper acts he may have committed, with reference to absenting himself to avoid the service of the Speaker's warrant, or with reference to the said election at Ipswich, such acts were not committed by him for his own personal or private advantage, or for the purpose of violating the privileges of the House. Nor did he commit them after any due or mature deliberation or consideration of their nature or effects; but that the petitioner was induced to commit such acts at the instigation, or by the instructions, of his then employers, the said Messrs. Sewell, Blake, Keith, and Blake, or of the said Fitzroy Kelly, Esq., or his confidential friends and agents at Ipswich and London. That the petitioner well knowing the great intimacy between the said Messrs. Sewell, Blake, Keith, and Blake, and the said Fitzroy Kelly, Esq. (who is steward of Norwich), and relying upon their superior knowledge and skill, and also upon the standing in society of these several Gentlemen, the petitioner did not hesitate to obey any instructions given by or originating from them; that the petitioner begs most humbly to assure the House, that he disclosed to the said Committee all the facts then in his recollection relating to the matters under investigation, but from the agitation experienced by the petitioner during his examination before the Committee, occasioned by his appearance there in custody of the Norwich gaoler, upon the charge of felony preferred against him by Messrs. Sewell, Blake, Keith, and Blake, and by his feelings caused by the public gaze and observation in and about the Committee Room, the petitioner's memory did not enable him to state to the Committee the fact of the payment to him by Messrs. Sewell, Blake, Keith, and Blake of the sum of twenty pounds towards the expenses of his absence, and of the fact of the petitioner having, at the request of Mr. Thomas Moore Keith, written to him the note, in order to give a colour to their consenting to the petitioner's absence." It appeared, then, that Pilgrim was only a clerk, acting on behalf of other parties, and he did think that it was beneath the dignity of the House to visit him with punishment. Moreover, as that individual was willing to give every information in his power at the Bar of that

House or elsewhere, he did not think that the cause of justice would be better served by discharging him than by subjecting him to any severe punishment.

Mr. *Hume* seconded the Motion, and said, that there was a distinction to be made between this case and that of Mr. Dasent, which had last occupied the attention of the House. Mr. Dasent had been acting on his own responsibility; but the individual whose case was now before them, was an old and faithful servant, who had only acted in obedience to the orders of his employers. As an agent he was guilty, but his guilt did not go to the same extent as that of an individual acting on his own responsibility and his own knowledge. He would not say any thing now upon the Question of the bribery; that would be better deferred until hon. Members were placed in a situation to judge of it correctly by having read the evidence.

Mr. *Wodehouse* did not rise to oppose the Motion but simply to perform an act of justice towards Messrs. Sewell and Blake, in stating that they most distinctly denied the truth of Mr. Pilgrim's statement in reference to the permission which he alleged to have been given by them to him, for absenting himself, beyond the journey to Ipswich. He had lately had a conversation with Mr. Money their cashier in which he learnt that the 20*l.* advanced by him to Pilgrim had been advanced totally without the knowledge of any one of the parties of the firm. He begged to repeat, that such was the case, and that the cashier had been in the habit of advancing to Pilgrim small sums of money, as he had done in this instance, without the knowledge of any of the parties in the House. With reference to the observation which had been made by the hon. Member for Ipswich (Mr. Wason), that Mr. Keith had seemed to him to be more guilty than Mr. Blake, he begged to say that he had that day had a conversation with Mr. Clipperton, who had given him some information of an interview which he had had with Mr. Keith on the 2nd of April, from which it appeared that Mr. Keith had called to know where Pilgrim was, and that when he had been satisfied on that point, a conversation arose about some papers that Pilgrim had left. He contended that the hon. Member was not justified in the insinuation which he had thrown out against Messrs. Sewell and Blake. He (Mr. Wodehouse) would state on their part, that they were perfectly ready to submit the case, so far as their conduct was concerned, to the House in any way which might be thought proper.

Mr. *Gisborne* said, that no man of common understanding could read the evidence given before the Committee without coming to the conclusion that Mr. Blake knew perfectly well of Pilgrim's absence.

Mr. *Rigby Wason* alluded to the denial of the hon. Member for Norfolk, of his assertion that Mr. Keith was more guilty than Mr. Blake, and said that the hon. Member had attempted to refute his assertion by saying that he had seen, not Mr. Keith, but Mr. Clipperton. If the hon. Member had taken the pains to read two pages of the evidence given by Mr. Keith before the Committee, he would find a full justification for its being said that Mr. Keith knew that Pilgrim was going abroad for the sake of avoiding the service of the writ. Would it not be extraordinary that the managing clerk of such an establishment should be allowed to absent himself for a period of some length without the knowledge of his employers, and without exciting any inquiry on their part? It was said that the statement of Pilgrim was contradicted by that of Messrs. Sewell and Blake. The case was not so. The material part of Pilgrim's assertion that he had received the 20*l.* remained untouched. Mr. Keith said that he had received it from the cashier; and then Messrs. Sewell and Blake said they knew nothing of the transaction excepting what they had learnt from the cashier. Was it then that they had brought the charge of embezzlement against Pilgrim on account of that 20*l.*? No such thing; that charge had been brought for a sum of between 2*l.* and 3*l.*, and referred to a period of two or three years since. He trusted, therefore, that the House would not be misled into the belief that the statement of Pilgrim was contradicted.

Lord *Stormont* did not think it fair towards Messrs. Sewell and Blake that the statements made concerning them should go forth without comment. The hon. Member asked whether it was on account of the 20*l.* that the charge of embezzlement had been brought? Certainly not. Pilgrim drew that sum from the cashier on account, and it was only subsequently to his going abroad, and from the circumstance of his employers having to inspect some of his papers in consequence of that absence, that they discovered the embezzlement. Pilgrim stated in his petition that he had received the money from Mr. Keith; that was denied, and it appeared now that he had received it from the cashier.

Mr. *Hawes* observed, that Pilgrim stated himself to have received it from Messrs. Sewell and Blake—that is to say from their House, he obtaining it from the hands of their cashier.

Lord *Stormont* remarked, that Messrs. Sewell and Blake, in their petition, declared that Pilgrim received the money without their knowledge. He (Lord Stormont) begged to add, that Messrs. Sewell and Blake were persons of the highest respectability. He should like to hear any Gentleman in that House say that they were not. Would that hon. Member who cheered him say that they were not? Their characters were not thus to be taken away in that House by such cheers. Those Gentlemen were known to be engaged in extensive business in the counties of Norfolk, Suffolk, Essex, Cambridge, Lincoln, &c., and not a shadow of a doubt existed as to their high respectability. If any imputations were to be made upon it, he trusted that they would be made in a direct manner.

Mr. *Hawes* read an extract from the petition of Pilgrim, to show that he had acted entirely by the direction of Messrs. Sewell and Blake.

Mr. *Patrick M. Stewart* thought, that the petition of Messrs. Sewell and Blake did not coincide on material points with the evidence taken before the Committee. He would give one specimen, which was quite conclusive. In the petition, Mr. Keith stated "that after an admission by Pilgrim, of the truth of the charge of embezzlement against him, and earnestly imploring forgiveness, the said Thomas Moore Keith dismissed him from the employment of the firm, and told him distinctly that they should be obliged to prosecute him, and as soon as he set his foot in Norwich, they should apply to the Mayor for a warrant for his apprehension." In his evidence given before the Committee, Mr. Keith says that when he was at Calais, he did not recommend Pilgrim to come home: he says distinctly "I recommended him not to come home, in order to spare my uncle's feelings." In the letter, alluding to the friendly writ, written by Clipperton to Pilgrim, there is a distinct expression of Mr. Keith's anxiety for Pilgrim's return; and yet, when Mr. Keith was brought before the Committee, he made the statement he had just read. He (Mr. Patrick M. Stewart), therefore, protested against its being allowed by the House, that any petition coming from Messrs. Sewell and Blake, however respectable those individuals might be, should invalidate one tittle of the statement of Pilgrim; there were discrepancies between that petition and the evidence, quite sufficient to hinder him from attaching such weight to it; although, indeed, he might not be inclined to place the fullest reliance on the assertions of Pilgrim.

Mr. *Charles Barclay* admitted, that it was their duty to look not so much to the respectability of the individuals concerned, as to the weight of the evidence; but he contended, that Messrs. Sewell and Blake were in nowise implicated.

Mr. *Blackstone* observed, that it appeared that Keith had had a communication with Pilgrim; and though, during their interview, some acts of bribery were mentioned, Keith said, that he knew nothing about such matters, and advised Pilgrim to consult his own adviser, Mr. Jay, on the subject. He must also be permitted to say, that Pilgrim's character was not in the eyes of his employers perfectly untainted before the transaction occurred out of which the recent prosecutions were instituted against him; for it appeared in evidence that he had at a very early period of his life, committed himself though his employers had consented to overlook his offence. His subsequent conduct naturally recalled to their mind a circumstance at the outset of his career in life which could not be considered but as a reproach on his character.

Mr. *Harvey* remarked, that in his opinion the House had nothing whatever to do with a matter of dispute, whether of a civil or a criminal character, between the firm of Messrs. Sewell and Blake and their clerk. The House had already consented that Mr. Dasent, the Barrister, should be dismissed. On what ground could they refuse to accede to the same

Motion with respect to Mr. Pilgrim? Could any one suggest any reason, or state any circumstances, why a similar course to that pursued with regard to Mr. Dasent should not be observed in the case of Pilgrim. On the contrary, even though the Motion with respect to Mr. Dasent was negatived, he thought he could show good grounds why Pilgrim should be discharged. What was the position of these two persons? One was a Barrister, a person qualified to hold situations from which a man of loose morals or questionable integrity should, if possible, be excluded. Who was the other? A humble clerk? They had heard many attestations of the respectable character of the firm of Messrs. Sewell and Blake. If he (Mr. Harvey) were called on in that House after an experience of twenty-five years, to vouch for the accuracy of the testimony which had been borne to the characters of these gentlemen, he should not hesitate to say, that he never knew or heard of any men more worthy of being designated truly respectable. Indeed, the character of their clients fully justified their reputation. But by the degree in which their character was exalted should the conduct and reputation of Pilgrim be judged. If this man were desirous of offering himself as a clerk, and were to present himself for that purpose to any office in London, could he bring forward a stronger recommendation than that he had been a confidential clerk for a period of thirty years in a most respectable House. It was certainly marvellous, passing marvellous, that this individual should be engaged as a confidential clerk for thirty years, and at the end of that period sent, not at his own desire, but in consequence of the affectionate note written by Mr. Kelly, the King's counsel, the silk-robed man of the Middle Temple, calling on Messrs. Sewell and Blake to send over a confidential person — an epitome of himself—from that fountain of purity, Norwich, in order that he might check some of the exuberance of practices which might be considered as having an illegal tendency, and covering as he should have done with the mantle of almost judicial distinction, the proceeding of the election of Ipswich, to give it a certain air of immaculacy, and assist in devising a mode of conducting that election in a cheap, legal, and judicious manner. The man, it should be borne in mind, did not seek this employment. Mr. Kelly wrote, not to the clerk of thirty years standing; but he desired that his "Friend," Mr. Pilgrim, should act as he had described. He was to do every thing which the delicacy and peculiarity of the situation called on him to perform. He asked the House, then, after they had passed a Resolution to discharge a man highly learned in the law, who had undergone a severe course of study, which imposed a special obligation to eat two days in the week, or five consecutive days, his commons at the Middle Temple: when a man, he repeated, of such high legal reputation had been discharged by the House, could they hesitate to dismiss a poor lawyer's clerk, who had a salary of but 30*s*. a week. There had, however, been attempts made (he would not say that studied statements had been used) to blacken the character and prospects of this humble individual. He hoped that on this part of the question he should be allowed to mention that he had received a vote from Mr. Pilgrim, of whom he had never heard before the presentation of his petition to that House, claiming an interview with him, in the presence of his (Mr. Pilgrim's) attorney, and from what passed he was satisfied (without meaning to offer any opinion as to his guilt or innocence) that this Gentleman only panted for the occasion to be placed on his trial, when he was confident he should be able to rebut the charges that had been preferred against him.

Lord *Stormont* begged to say that, from all he had heard of Mr. Pilgrim, at Norwich, he believed him to be a most respectable man.

Mr. *Wodehouse* was most desirous to be understood, in the few remarks which he had addressed to the House, as not wishing to oppose the discharge of Mr. Pilgrim, but merely to defend Messrs. Sewell and Blake from the imputation which appeared to be cast on them.

Mr. *Hawes* contended, that the hon. Member for Wallingford (Mr. Blackstone) had very unfairly stated the evidence as given before the Committee, with respect to the character of Mr. Pilgrim; for it had been admitted that the Members of the firm by which he was employed gave him the most active support when he stood a candidate for the Coronership, although this event occurred long subsequent to the time of the Commission of the offence with which he had been charged.

Mr. *Charles Barclay* observed, that if

page 464 of the evidence were referred to, it would be seen that Mr. Pilgrim acknowledged his having committed the recent offence urged against him.

An *Hon. Member:* The same impression was certainly on his mind as that which had been expressed by the hon. Member for Wallingford; for he did not think that the offence of stealing the stamp had been altogether forgiven; though from Mr. Pilgrim's subsequent good conduct it had gone out of the recollection of his employers.

Motion agreed to.

Lord *Henniker* moved, that J. E. Sparrowe be brought to the Bar, reprimanded and discharged.

Mr. *Gisborne* felt bound to oppose the Motion of the noble Lord. He should do so on what he considered strong grounds. The first was, that it appeared that the Messrs. Sparrowe and a person of the name of Gross, having been partners and agents for Mr. Dundas, the son of Mr. Gross wrote to one of the Sparrowes, who was on the Continent at the time the Ipswich Election Committee first assembled, saying, "Do not move an inch until further orders, as they may go into a scrutiny." This must have been written with the cognizance of Mr. Sparrowe. There were abundant other grounds on which the discharge of Mr. Sparrowe might be fairly resisted. He would only mention one. It must be clear to any person who had dispassionately read the evidence, that Mr. Sparrowe was at the bottom of all the bribery and corrupt practices which had taken place at Ipswich; though, from the caution with which he had acted, it might be a matter of doubt whether guilt could be legally established against him. He should, therefore, oppose his discharge, for the purpose of allowing the Attorney-General and other Members of that House skilled in the law, time to determine whether a prosecution for bribery could be successfully maintained against him.

Mr. *Freshfield* begged to be allowed to call the hon. Member for Derbyshire to order. The hon. Member was attempting to prove, that because it was a doubtful question whether Mr. Sparrowe was guilty of one offence (that of bribery), the House should inflict a greater degree of punishment on him for a charge which was then under the consideration of the House.

Mr. *Gisborne* resumed. The jurisdiction of the House was not restricted within the limits to which the hon. Member, by whom he had been called to order, would confine it. It could not be questioned that their jurisdiction extended to the consideration of the case of those who had been reported as guilty of bribery.

Mr. *Freshfield:* But there is no such charge against Mr. Sparrowe in the report.

Mr. *Gisborne* allowed that the hon. Member was right; but if any one who read the evidence could doubt of Mr. Sparrowe's moral guilt, he (Mr. Gisborne) neither desired nor expected that he would join in the support of his Motion, upon which he certainly relied with some confidence. He should certainly resist the Motion that J. E. Sparrowe should be discharged.

Sir *George Clerk* contended, that it had been admitted, that Mr. Sparrowe was not charged with any acts of bribery; and the hon. Member for Derbyshire having agreed that two persons, against whom distinct acts of bribery had been proved, should be discharged, maintained that Mr. Sparrowe should be kept in custody simply because his (Mr. Gisborne's) impression on reading the evidence was, that he was morally guilty of bribery. This he considered was an unfair mode of proceeding, because he was prejudging a man on a charge on which he might hereafter be brought to trial.

Mr. *Montague Chapman* observed, that the case of Mr. Sparrowe was very different from the cases of which the House had already disposed. When before the Committee he had shown no disposition to give full evidence on the subject; and in his petition he had not expressed any readiness to come forward at a future time and give further testimony.

Mr. *Warburton* was also of opinion that the case of Mr. Sparrowe and the remaining cases were very different from the cases already brought before the House. In the former, the charge was for absconding to avoid the Speaker's warrant; and the persons so charged appeared before the Committee. Of the other parties, three never appeared before the Committee. The two avowed agents for the sitting members, of whom Mr. Sparrowe was one, and Mr. O'Malley aided and abetted the others in keeping out of the way, and must be considered highly criminal for so doing. There was, therefore, a great difference between the two cases which had been disposed of, and those which remained to be disposed of.

Mr. *Law* expressed his hope, that whatever conclusion the House might come to, it would not be founded on the argument of the hon. Member for Derbyshire. That hon. Member must have strange notions of what ought to be his conduct in a judicial capacity. The individual whose case the House was considering had been charged with bribery; but the guilt of that offence had not been brought home to him. That being the case, the hon. Member for Derbyshire used this irresistible argument: "I suspect a man of a crime which I cannot bring home to him; he has been convicted of one of a lighter description; although we cannot convict him of the first offence, let us, in punishing him for the second, recollect our suspicions that he is guilty of the first." The hon. Member for Westmeath had alleged as a reason for punishing Mr. Sparrowe, that he had not expressed in his petition any desire to afford further information in future. Now, Mr. Sparrowe had been twice examined before the Committee; and, notwithstanding his conduct with respect to the Speaker's warrant, there was nothing in his testimony which laid him open to suspicion in other respects. He (Mr. Law) was not aware that the Committee had stated so; and, therefore, accustomed as he was to Courts of Justice, and to the principles by which those Courts were guided, he could not allow suspicion in his mind to fill up the void which the absence of proof occasioned, but must in charity presume that Mr. Sparrowe was innocent. The hon. Member for Bridport had asserted that Mr. Sparrowe's offence was a grave one, as he had abetted the others to abscond. But the hon. Gentleman ought to have stated what the nature of that abetting was. It consisted simply in a knowledge—a guilty knowledge, if the hon. Gentleman pleased—that it was the intention of those individuals to abscond. Let the House consider what kind of guilt this absconding was. The guilt consisted in agreeing to withdraw, lest some future petition might be presented to some future Committee, and at some future period the warrant of the Speaker might be issued for their attendance. Now this was an offence which, if committed, not by several persons in concert, but by only one person, would at law be no offence at all. The House had, however, determined that it was an offence, and he had too much respect for the House to question the propriety of its decision. He would, therefore, merely repeat that all that had been brought home to the individual whose case was under consideration was, that he had been guilty of knowing that the other parties intended to abscond; and he trusted, therefore, that no undue severity would be manifested towards him.

Mr. *Patrick M. Stewart* said, that the hon. and learned Gentleman who had just sat down was mistaken with regard to the opinion of the Committee respecting Sparrowe, who had been three times examined, and with whose information the Committee were far from being satisfied. He wished the hon. and learned Member had applied his judicial mind to alter the impression which had been made on the Committee upon this subject. It appeared by Mr. Sparrowe's statement, not that he had merely a bare knowledge, as the hon. and learned Gentleman had intimated, but that he had an intimate knowledge of the departure of Arthur Bott Cooke, and a knowledge of the departure of Pilgrim. In no way in his petition did Sparrowe offer to come forward and give further evidence on the subject. In his decided opinion, therefore, a better and more satisfactory petition ought to be presented by the individual in question before he should be entitled to his discharge.

Mr. *Law*, in explanation, observed, that Sparrowe, in his petition, stated, that in January last he had acted as agent, though without fee or reward, for the sitting Members, but that after the termination of the election he had acted, not as their agent, but only as their friend.

Mr. *Jervis* did not think that the explanation of the hon. and learned Gentleman made the case at all better. Whether agent or friend, Sparrowe's conduct in aiding and abetting individuals to keep out of the way, in order to avoid being served with the Speaker's warrant, was equally culpable. But it was impossible to believe that he could have done that which he did merely as a friend. If any one thing tended more than another to show that the House was not in a condition to discharge Sparrowe, it was the speech which had been made by the hon, and learned Member; for he (Mr. Jarvis) was sure that the hon. and learned Member would not have asserted that the individual in question answered satisfactorily to the Committee, if he had read the evidence. The hon. and learned Member for Chester here read an extract from the evidence, by which it appeared that after Mr. Sparrowe had repeatedly declared that he had no recollection that the purpose for which Cooke was sent out of the country had been discussed between him (Sparrowe) and Clipperton before Cooke left Ipswich, he said, in answer to a question if he did not believe that it was so discussed, that he believed it might be; immediately after which the following questions and answers occurred:—" Do you not believe it was? When I say I believe it might be, I mean I believe it was; but I do not recollect it.—Then, Sir, at the time that Cooke left Ipswich, you knew the purpose for which he was going abroad? Yes." Was not such evidence as this a fair ground for opposing this person's discharge? And how could it be asserted by any one that his answers were perfectly satisfactory to the Committee?

Mr. *Law* had only presumed that Mr. Sparrowe's answers were satisfactory to the Committee, as the Committee had not stated that they were otherwise.

Mr. *Hume*: To show that the Committee had expressed dissatisfaction at the manner in which Sparrowe had conducted himself, he referred to a passage in the minutes of evidence, where it appeared that after two or three evasive answers, on being asked on his solemn oath, if he had the least doubt that Cooke committed bribery in Ipswich, Mr. Pollock objected to the question, and the Chairman said, " The Committee are not satisfied with this 'not recollection,' and 'not of his own knowledge.' "

Mr. *Plumtre* stated, that the evidence of Mr. Sparrowe made a very unfavourable impression on the Committee.

The House divided, on the Motion that Mr. Sparrowe be brought to the Bar and discharged. Ayes 127; Noes 168; majority 41.

Sir *Broke Vere* moved, that John Bond be reprimanded and discharged.

Mr. *Warburton* thought this case worse than those of Dasent and Pilgrim, for they did give evidence before the Election Committee, whereas the petitioner Bond had taken care to give none at all.

Sir *G. Clerk* said, that the former petition presented by Mr. Bond explained why it was he had not been before the Committee. He left his home before any petition respecting the return had been presented to the House; but he returned on the 20th April, whilst the Committee were still sitting, and was known to be at home by all his neighbours: so that had it been thought necessary to have his evidence, he was ready to attend to any summons served upon him. On the 22nd April he had occasion to come to London, and in the coach with him was the hon. and learned Member for Ipswich (Mr. Wason). That hon. and learned Gentleman asked him whether he was going to London to give evidence in obedience to the Speaker's warrant; for that if he were, he could inform him that his attendance was unnecessary—that part of the case to which his evidence would relate being closed. It should be remembered, also, that Bond was not charged with bribery, but simply with evading the service of the Speaker's warrant, and that he did so guiltily was by no means clearly established. At all events, his punishment had already been very severe; for being in a humble situation of life, he had been unable to pay the gaol fees for private accommodation, and had been confined in the same ward with a felon who was under sentence of transportation for fourteen years. Surely the House would not allow him to remain longer in so painful a situation.

Mr. *Wason* said, that since the right hon. Member for Edinburghshire had had the indiscretion to make the statement the House had just heard, he (Mr. Wason) would inform the House of a circumstance connected with it which would not otherwise have passed his lips. During the whole of the proceedings, Mr. Clipperton, the agent of his opponents, had repeatedly said, that he should put the petitioners to every shilling of expense he could. Knowing this, he (Mr. Wason), when he travelled up in the coach on the occasion alluded to with the agent Bond and Bristo (the Bailiff of the Borough), he began the conversation by asking the Bailiff whether he was going to London with him, and his answer was, Yes, for that it was at the expense of the petitioners. He (Mr. Wason) endeavoured to show the injustice of this, as the witness had been examined on the first day; but the answer was, that he had not been formally discharged, and should go, because it was at the expense of the petitioners against the return. He (Mr. Wason) then turned to Bond, and said, "You, I hope, are not going to London at our expense, for the Committee has reported against you, and your evidence will be immaterial." This was all that passed, and fortunately there was a professional person present, besides the Bailiff and Bond, who heard the conversation. If the Question went to a division he should vote for the discharge of Mr. Bond.

Sir *Broke Vere* said, that there was nothing in evidence against Bond, except that he had absented himself from home to evade the service of the Speaker's order, for which offence he had been confined for a fortnight in Newgate, in the same ward with a convicted felon, from his inability to pay the gaol fees. Considering the limited extent of his guilt, he thought this should be considered a sufficient punishment, and that the House should now temper justice with mercy.

Mr. *Patrick M. Stewart* said, that if it had been thought necessary for other petitioners who had been examined before the Committee to give an assurance in their petitions that they were ready to give evidence on the subject, much more so was it necessary in the case of a man who had not been examined at all. The precedent so often referred to in the Camelford case was again in point here. The petitioner there stated that he had been ill; that he had suffered greatly by his imprisonment; and that he should be ready to attend at any time with a full determination to give evidence. A similar pledge or offer should be exacted from Bond, Clamp, and Clipperton before they were discharged.

Sir *George Clerk* thought the parties referred to would give an assurance such as the hon. Gentleman mentioned when they came to the Bar.

Mr. *Hume* wished it to be remembered that these three men came before them after the trial, in which their evidence might have been of value to the public, was over. They might, perhaps, have given important evidence relative to the bribery in which they were engaged, and they now came before the House for pardon without even professing willingness to make the communication, to avoid making which they committed the offence laid to their charge. He hoped, therefore, that the Motion would be withdrawn till Monday, when the parties would be able to present another petition.

Mr. *O'Connell* said, that what was put by his hon. Friend the Member for Middlesex as supposition, was in his mind matter of certainty. Those men would not have been sent out of the way if they had not been able to explain something which the others could not. If Pilgrim alone had been able to state all the facts, he alone it would have been necessary to send away. The House could protect these persons against any ill consequences to themselves from the evidence they gave, and they ought not therefore to be discharged till they had disclosed the facts within their knowledge.

Mr. *Jervis* said, that the submission of the other petitioners went the length of waiving the privilege of self-protection in the answers they gave.

Sir *George Clerk* begged to observe, that there was no distinction between the present case and that first brought before the House.

Lord *John Russell* thought, that the fact of Mr. Dasent having been examined before the Committee did make a difference. He would not say what ulterior steps should be taken, but with regard to the Question before them, if it came to the vote, he should be against now discharging this person.

Sir *Broke Vere* begged to be allowed to withdraw his Motion till Monday.

Viscount *Howick* said, that before the Motion was withdrawn he thought it right that a clear understanding should be come to with regard to the course they should hereafter pursue, in order that as little time as possible should be consumed in the discussion of this case. If, therefore, the hon. Baronet merely withdrew the Motion now for the purpose of making a similar Motion on Monday, he thought it would be more conducive to the convenience of the House if the hon. Baronet would now move that Bond be brought to the Bar on Monday next. By this means they should be able then to decide, without a fresh debate, whether the time for discharging Bond had or had not arrived. For his own part he was not sufficiently acquainted with the case to have formed a very strong opinion respecting it; but as far as he could judge he was disposed to say that on Monday next Bond should be discharged. He drew a very decided distinction between this case and the cases of those who were the agents and contrivers of the withdrawal of Bond and others.

Mr. *Aglionby* said, that if the distinction was so clear, he for one should be quite willing to spare the House the trouble of considering the case on Monday, by discharging the petitioner to-night. For the sake of keeping him in prison three or four-days, it was not worth while to postpone the matter. Indeed that course would only be justifiable upon the supposition that it might then be thought desirable to keep him in confinement a great length of time after. If, however, he was not now to be discharged, it was desirable that information should be given to the House, in a subsequent petition, respecting one or two points referred to in that now before the House. Indeed, upon one of these points it would be proper for the House, if it had the power, immediately to act, by making an order, which should relieve the petitioner immediately from what he considered a very great hardship. He stated in his petition, that he was confined in the same ward with a convicted felon. Now, if an order to change his place of confinement could not be made, he hoped the gaoler of Newgate would take notice that it was the general feeling of the House that a person committed to his custody, even for the high offences of corrupting the purity of elections and violating the privileges of that House, should not be confined in the same cell with felons. He thought this was the general feeling of the House. He said nothing about the different situations in life of the parties thus thrown together, but it must be quite clear that men such as Bond, Cooke, and Clamp ought not to be compelled to sleep in the same room with a person convicted of felony by a jury of his country, and lying in prison under a sentence of transportation. The other point to which he wished to call the attention of the House was this, that Bond stated in his petition that his health was impaired by his imprisonment. Now, if this was the fact—and it could be established on the testimony of any medical man—it would go far with him to support the Motion to have the petitioner discharged.

Mr. *Thomas Attwood* hoped the House would discharge him that very night. The man had done wrong, but he had acknowledged his error, and had been punished in a way which, he thought, fully satisfied the justice of the country. Indeed he might be inclined to say that the petitioner had already been too severely punished. It should be considered that he and his associates had been brought up under all the vices of the old system, without thinking hardly that what they did was criminal. He would repeat, that before the passing of the Reform Bill corruption at elections was hardly thought any crime at all. It was practised by the great Lords of the country, was scarcely ever punished by the Courts of Justice, and had not any criminality attached to it in the eyes of many.

Sir *John Wrottesley* wished the matter to be postponed, in order that he might have time to read at least a part of the voluminous evidence which had been laid before them respecting it.

Mr. *Patrick M. Stewart* was sure that the House would agree with the noble Lord the Member for Northumberland on the expediency of shortening the discussion as much as possible; but the plan proposed by the noble Lord would not obviate the objection which many entertained to the discharge of the petitioners, on account of their never having been examined at all. What he would suggest, therefore, was this, that on Monday the petitioners might, if they thought fit, present other petitions, expressing their readiness, as the others had done, to attend at any time to give their fair and unreserved testimony to the House. That being done, the House might perhaps feel itself justified in applying to them a sentence similar to that which had been agreed to be passed upon the first petitioners who had been before them that night.

Mr. *Wilks* said, that it appeared to him that all the House had now to do was to determine upon the petitions already on the Table. He should not think it discreet for the House to pledge itself directly or indirectly as to the future course of its proceedings. One great objection to the discharge of this petitioner, and of those who stood in the same situation with him, was, that they had not made those communications to the House which had been made by three of the petitioners, whom it had been agreed should be liberated after receiving a reprimand. If, in any petition to be hereafter presented Mr. Bond and his associates should put themselves in a situation different from that which they now occupied, and cleared away the darkness in which the House was now involved with respect to their conduct, the House would then be able to determine what measure of justice should be meted out to them.

Mr. *Williams Wynn* said, he could not see what valid objection there was to allowing the Motion to be withdrawn, when all the hon. Mover wished to do was to bring it again before the House on Monday with fuller information.

Motion by leave withdrawn.

The *Speaker* wished to know whether it was the desire of the House that Mr. Pilgrim and Mr. Dasent should now be called to the Bar and be reprimanded?

Mr. Sergeant *Jackson* said, that he had given notice of his intention to move the House on behalf of Mr. O'Malley, whose case was essentially different from that of any of the other petitioners. In the first place, he was not at all concerned in the Ipswich election.

The *Speaker* said, he had gathered the wish of the House to be, not to proceed further with these cases that night.

Mr. *Hume* begged to make a suggestion to the hon. Member which might save him trouble. Mr. O'Malley's petition was presented before he was sent to Newgate; and he believed it to be an invariable rule not to liberate any one from prison on a petition presented before his confinement.

Mr. Sergeant *Jackson* said, that he was prepared to obviate that objection, for he had in his hand a second petition from Mr. O'Malley, which he would now beg to present.

The petition was accordingly presented, read, and ordered to be printed, and to be taken into consideration on Monday next.

Colonel *Perceval* then said, that before any further steps were taken in these proceedings, he trusted to the courtesy of the House to be allowed to draw its attention to an occurrence which took place in the presence, he believed, of all whom he had now the honour of addressing. He did so, not for the purpose of directing any special attack against the hon. and learned Gentleman opposite, but that the House might draw a just conclusion from the circumstances of the case. When he, in the discharge of what he thought his duty, stated that which had come to his own knowledge, the hon. and learned Gentleman opposite rose—

Mr. *Aglionby* rose to order. He understood the Motion before the House to be that two individuals should be brought to the Bar to receive the judgment of the House. What possible foundation that could afford to the gallant Officer to bring forward another question, respecting another person not before the House, and upon a matter which took place on a former night, he (Mr. Aglionby) was at a loss to conceive.

Colonel *Perceval* again rose, but was received with loud cries of "Chair."

The *Speaker* said, it certainly appeared to him that upon a simple Motion that two persons should be brought to the Bar of the House for the purpose of being discharged, it was extremely inconvenient, not to say irregular, to interpose any observations upon a different and a separate subject.

Colonel Perceval knew it to be his duty and it was always his inclination to pay the respect due to the Chair. But he put it to the Speaker and to the House at large, whether it was the custom of Parliament to refuse a Member an opportunity of explaining circumstances which, if left unexplained, might tend to lower his character in his place in that House. The hon. and gallant Officer was proceeding to make some further observations which the general confusion rendered inaudible. At length,

Lord *John Russell* interposed, observing, that he should be the last person in the House to deny the right (whatever the irregularity of the opportunity chosen might be) of any Member to rise for the purpose of giving an explanation upon a point in which his personal character was concerned; but he would only put it to the discretion of the gallant Officer, whether he thought the present was an opportunity upon which the House was inclined to enter into the discussion of such a subject as that he was endeavouring to bring forward; and whether he would not deem it more advisable to avail himself of some other opportunity more in accordance with the orders of the House and more in accordance with the business before it.

Colonel *Perceval* again rose, and was again received with cries of "Order!" As he had before said, he felt it to be a duty he owed to himself, inasmuch as that his character in respect of the truth of a statement made by him in that House had been impugned. He was ready to sit: but this much he must say—that this was the first time, in the whole course of his parliamentary experience, upon which he had ever known the courtesy of the House withheld from any Member who asked the House to hear him on a personal question.

Lord *John Russell* thought that the hon. and gallant Officer, after the observation he had just made, could not have heard a single word of what he (Lord John Russell) had stated. He (Lord John Russell) stated, that he should be the last man to refuse to any Member of the House an opportunity of making a statement upon a matter in which his personal character was concerned; but he asked the gallant Officer whether, upon reflection, he did not think he might take a better opportunity than the present for making such a statement. He certainly had not the least intention, and did not express any intention of refusing the gallant Gentleman the ordinary courtesy of the House, or of depriving him of the opportunity of making any statement he might deem necessary. He merely put it to the gallant Gentleman, as a matter for the exercise of his discretion—he did not ask the House to refuse to hear the gallant Gentleman.

Colonel *Perceval*: If it be the wish of the House that I should not go into a statement which is necessary to the vindication of my own honour—[cries of "*No, No!*"]—The hon. and learned Gentleman opposite, to come to the point at once———

The *Chancellor of the Exchequer* rose to order. He wished to call to the attention of the House the business upon which they were then engaged. They were discussing the case of two individuals adjudged by the House to have been guilty of an offence against its privileges. Now, if there was any occasion on which more than another the House, acting judicially, was bound to abstain from the discussion of any topic which might excite warm or angry feelings, surely it was upon such an occasion as the present, when the Speaker, as the organ of the House, was about to pronounce the opinion of the House with respect to the conduct of individuals who were upon the point of appearing at the Bar. He did not wish to deprive the gallant Officer of an opportunity of making a statement in vindication of his own character; but he really thought that the present was one of the last occasions on which he should attempt to occupy the attention of the House.

Colonel *Perceval* said, that if he thought the statement he proposed to make would be attended with any effect, such as was surmised by the right hon. Gentleman who had just spoken, he (Colonel Perceval) should be the last man to persist in making it. No person could be more reluctant than he should be to say anything or to take any course that could tend to prejudice the House, or any individual Member of it, against the parties who were about to appear at the Bar.

Messrs. Dasent and Pilgrim were brought up to the Bar.

The *Speaker* addressed them and said:—" John Bury Dasent and John Pilgrim, this House has found that you have been guilty of the crime of violating one of its most important and most valuable privileges, by absconding, for the purpose of avoiding the duty of giving that testimony which you were bound unquestionably to give, for the purpose of the due administration of justice. It must be unnecessary to any class of persons in this country to enlarge upon the importance of, at all times, yielding a prompt and willing obedience to those privileges which this House holds for the benefit of the people, and as their representatives. It must be, least of all, necessary to enlarge upon the nature of that offence to a gentleman whose professional habits and education must have made him more peculiarly acquainted with the nature of those obligations which are imposed upon all classes to contribute to the furtherance of public justice. You have, however, both of you, made that atonement which is in your power, by an expression of your sorrow and your contrition for the offence of which you have been guilty. This House has taken your petitions into its favourable consideration; it has dealt with you with all the mildness consistent with their sense of justice, and I have now to acquaint you that you are discharged, upon the payment of your fees."

Messrs. Dasent and Pilgrim withdrew.

Lord *John Russell* moved that the reprimand be entered on the Journals.

Ordered.

Case of Mr. Hudson.] Colonel *Perceval* rose and said, if he could now prevail on the House to lend him its attention for a few moments, he should endeavour to show that he was not deserving of that severe censure which the hon. and learned Member for Dublin had recently endeavoured to cast on him, as well by the imputation of a discovered suppression of truth, as by the severe manner in which the denunciation was delivered. On the occasion referred to, his astonishment was indescribable when he heard the hon. and learned Gentleman get up and tax him with having withheld what he (Mr. O'Connell) stated to be a fact, and in relation to which he, in his utter astonishment, declared that if it were a fact, as the learned Gentleman declared it to be, that was the first time he had ever heard of it. The hon. and learned Member charged him with the concealment of what he called a fact, namely, that Mr. Hudson had had bills of indictment sent up against him before a Dublin Grand Jury, whose political bias was well known to be in accordance with his own views, and, added the learned Gentleman, "what will the House think when I tell them, that Mr. Hudson was acquitted by a Grand Jury such as those described? That all the witnesses who had given their evidence before the Committee in London, and who were believed where they were not known, when they were sent back to Dublin, where their characters were known—the wretches! were disbelieved even by an Orange Grand Jury." Those were the hon. and learned Gentleman's words. On hearing them his astonishment was so great, that he began to doubt his own recollection. He had felt astonished at the time that Mr. Hudson should not have been brought before the public after the Report of the Committee, and therefore the House might judge of his surprise when the hon. and learned Gentleman brought forward a detailed statement on the subject with all the solemnity which he was in the habit of drawing on in that House. He was now prepared to prove that the very reverse of the hon. and learned Gentleman's statement was throughout and in all parts correct. There were no bills of indictment whatever sent up against Mr. Hudson before a Grand Jury of the city or of the county of Dublin. In fact, there was no prosecution whatever instituted against Mr. Hudson arising out of the proceedings of any Committee of that House. No witnesses were examined or discredited in the case by the Dublin Grand Jury. What must now be the feelings of the hon. and learned Gentleman when the hon. Member recollected how he had endeavoured to put him down on the occasion. Some hon. Members, but not many, on the other side of the House had interrupted him with exclamations and sneers—the hon. Member for Staffordshire was one—and indeed he was not much surprised at the circumstance, after the solemn accusation of the hon. and learned Member, charging him with having been guilty of a *suppressio veri*. Now, in respect of every statement made with regard to Mr. Hudson, he held in his hand certificates from the proper officers which completely settled the question, but which he did not know whether he was at liberty to read, as they were not on the Table of the House. One of the papers came from the Clerk of the Peace of the city of Dublin, and the other from Mr. Bourne, Deputy Clerk of the Crown for the county. These documents stated, that search having been made among the Pleas of the Crown in both city and county, it appeared that there were not any bills of indictment for bribery, or any other offence, arising out of the Dublin Election of 1831, preferred against Mr. Hudson. The certificates were dated the 18th June, 1835, and authenticated by the signatures of the parties. He now felt that so far as the detailed statements and assertions of the hon. and learned Member went, and inasmuch as they imputed to him the guilt of a *suppressio veri*, he had given satisfactory proof that the hon. and learned Gentleman's declarations were unfounded, and that he had not suppressed the truth. The whole statement of the hon. and learned Gentleman, as far as regarded Mr. Hudson, fell to the ground, and was not sustained by fact. When the hon. and learned Member was endeavouring to bring the feelings of the House to bear against him—and if he had been guilty of the offence laid to his charge well and justly should he have merited its indignation—the hon. and learned Gentleman stated, that he owed Mr. Hudson no compliment, for he had refused to act as counsel for him at the Dublin election. That was the hon. and learned Gentleman's statement. Without any application on his part he had received a letter from Mr. Edward Maguire, an agent of the hon. and learned Gentleman's opponents at the Dublin election, stating that the writer had observed Mr. O'Connell was reported to have said, that he was a gratuitous defender of Mr. Hudson, who had not behaved well to him, as he had refused to be one of his counsel at the last Dublin election.—[Mr. *O'Connell:* No; at the commission on the Dublin election.]—Be it so. The writer went on to say, that his situation as agent at the late Dublin election enabled him to state, that Mr. Hudson did act as one of Mr. O'Connell's counsel at that election; and in further illustration—said Mr. Maguire —of this gratuitous defence, which was a genuine *quid pro quo*, it may be as well to add, that at the present inquiry before the Commissioners in Dublin, Mr. Hudson did also appear as counsel for Mr. O'Connell, and, by a strange coincidence, on the day after Mr. O'Connell himself ceased to attend. The concluding paragraph of the letter stated—"Should these facts bear Mr. O'Connell out in his denial of any connexion with the gentleman in question, they will be useless, but if not, you are at liberty to use them as you think proper." He was not aware that he had ever seen the gentleman who wrote this letter; he certainly had no acquaintance whatever with him, but he felt obliged to the writer for sending him the information without any application on his part. The letter did him no service in his defence against the hon. and learned Gentleman's charge, but it must have this effect at all events—to make hon. Members pause before they believed altogether that the hon. and learned Gentleman was not labouring under some mistake when he said he had no connexion with Hudson, that gentleman having refused to act as counsel for him. Whether Mr. Hudson refused or not, it appeared he did, and does act as counsel for the hon. and learned Gentleman. He had stated the facts of the case as far as regarded himself—he had shown that he was not guilty of suppressing the truth, or of making use of information in his possession against Mr. Hudson, while he refused that individual the benefit of exculpatory information, of which the hon. and learned Gentleman assumed him to be cognizant. The House would decide between the hon. and learned Gentleman and himself, which had adhered to truth, and which had not.

Mr. *O'Connell* said, that the hon. and gallant Member's speech looked very like an aspersion on the characters of others—it certainly could not be called a defence of his own, for the alleged attack had never been made. He had said on the occasion referred to, and said distinctly, that he hoped and believed the hon. Member for Sligo was ignorant of the circumstance of an indictment having been preferred and ignored, and he certainly did not accuse the hon. Gentleman of wilfully suppressing any fact. At the same time, after the hon. Member's statement to-night, he was not sure that he was not called on to say, that he thought Mr. Hudson ill-treated by the hon. and gallant Gentleman in keeping from the House even now, the real facts of the case; and further, that some members of Mr. Hudson's own profession ought to have been more candid than they were with respect to the transaction. He did speak of an indictment having been preferred before a favourable Grand Jury—he did state that witnesses were examined, and that the Bill was ignored. He stated that he believed that Mr. Hudson was by name included in the Bill. But, before going further on this point, he had to fight the hon. and gallant Member in a sort of bye battle; it was true he had also stated, that he had reason to be displeased with Mr. Hudson, for although the Committee which acted for him had sent Mr. Hudson one day to argue a point, yet he stated, and truly, that Mr. Hudson refused to appear before the Commission. This was perfectly true. He had endeavoured to prevail on Mr. Hudson to attend the Commission for him, but he totally refused to do so. The day after he left town, a Mr. Hutton—not Mr. Hudson—did attend the Commission, and had attended it ever since as his counsel. —[Colonel *Perceval*: Mr. Maguire says Mr. Hudson attended.]—Mr. Maguire was mistaken. Mr. Hutton had attended every day, and was his retained, feed counsel—the only counsel that received a shilling from him—and Mr. Hutton was going on in his attendance. He now came back to the indictments. Let the House recollect the phillipic which the hon. and gallant Member, himself so sensitive, delivered against a young man rising in his profession, and the odium he had endeavoured to excite against Mr. Hudson. The hon. Gentleman said, that Mr. Hudson was the law adviser of the Castle; he was no such thing; he acted as an assistant to the Attorney-General, and issued his cases, but was not in any way connected with the Government. The present was a second attempt to blacken the character of Mr. Hudson. He should be able to defeat it. He could refer to some documents on the subject; and if the hon. Gentleman had condescended to inform him of the course he was about to take to-night, he would have been provided with more. He thought the hon. and gallant Member would get no great credit from his second exhibition. How did the case really stand? The House ordered the Attorney-General of the day to prosecute certain parties against whom the Committee on the Dublin election of 1831 reported; there was a division on the subject, and he (Mr. O'Connell) voted for the prosecution. No great intimacy subsisted between him and the then Attorney-General, who had been kind enough to prosecute himself. He found that the prosecution took place, not in 1831 (to which the hon. Gentleman's certificates were confined), but in January, 1832, when bills were preferred against eight or ten individuals, and prepared against the rest of the parties. Of course bills were sent up in the case of the persons against whom there was the strongest evidence; he could mention their names: — They were T. Gallagher, H. W. Sharman, W. Kertland, W. Hincks, R. Hitchcock, and T. Kennedy. Six witnesses who had been examined by the Committee, were sent before the Grand Jury, and there were eight other witnesses. He had the certificate of the same Mr. Bourne as the hon. and gallant Gentleman had quoted, and it authenticated the facts which he now stated. Bills against Mr. Hudson, Mr. Murphy, and others, were prepared, and would have gone up to the Grand Jury, if those already preferred had been found. The Grand Jury examined the witnesses, and upon their testimony ignored the bills. Who was the foreman of the Grand Jury that thus ignored the bills? Sir Robert Shaw, father of the right hon. Gentleman opposite. Would the hon. and gallant Member tell him that Mr. Blackburne, the Attorney-General, did not do his duty, and send up the strongest case to the Grand Jury first. If he kept back a strong case, and sent up a weak one, Mr. Blackburne deserved to be impeached, and the noble Lord, who was the Secretary for Ireland at the time, was scarcely less culpable, but the thing was impossible; of course the strongest case was sent to the Grand Jury in the first instance. He was here the advocate of the noble Lord. He repeated that the bills were ignored. He was sorry that he had not by him at present, letters descriptive of the feeling that manifested itself in court on the occasion, and the general congratulations received by Mr. Hudson, whom he believed to have been included in the bills of indictment, as in point of fact he was substantially, though not by name. Was that all? Here was a curious fact; the bills were thrown out on the 9th January, and a Dublin harmonic society, of which Mr. Hudson was secretary, took advantage of the circumstance to invite that gentleman to dinner. The Lord Mayor presided at the entertainment, the Duke of Leinster was on his right hand, the Attorney-General on his left, and Mr. Hudson's health was given by the Attorney-General. He (Mr. O'Connell) had the learned gentleman's speech on the occasion. Where, then, did you find Mr. Hudson on the 2nd of February, about three weeks after the prosecution? At a dinner toasted and feasted, and feasted and toasted by the Attorney-General who had preferred the bills. He did not charge the hon. and gallant Member with a suppression of the truth; on the contrary, he distinctly said he hoped the hon. Member was ignorant of the facts. He now asked, did the hon. Gentleman never hear of any bills being preferred for matter in his speech on a former occasion, nor in his speech to-night had he mentioned it. Be that as it might, he gave the hon. and gallant Gentleman joy on his second attack on Mr. Hudson. Had the hon. Gentleman, who had so much feeling for himself, no feeling for Mr. Hudson, a young man, struggling in his profession, with the world before him? He might here observe, that gentlemen like Mr. Hudson had great difficulties to contend with. There was infinitely more rancour exhibited in Ireland against Protestant barristers of liberal opinions than existed even in the case of Catholic agitators. It would have been candid in the hon. and gallant Member if he had said that bills of indictment were sent up against several individuals, though not against Mr. Hudson; but even now the hon. and gallant Member kept back the fact of those bills having been preferred and ignored. The hon. Member accused him of making insinuations against his character. He insinuated nothing, but he thought that the hon. Gentleman was far from having vindicated himself. The hon. and learned Gentleman here quoted a letter from Mr. Sergeant Woulfe, to show that the strongest cases had been selected for prosecution in the first instance, and that the bills having been ignored in those cases, it would have been absurd to have proceeded with others which were weaker. He then recapitulated the circumstances of the ignoring of the bills, and asked whether he was wrong, having heard the shout of congratulation, and finding Mr. Hudson toasted and feasted by the Attorney-General shortly after the failure of the prosecution—was he not justified in supposing that the prosecution included that gentleman, as substantially it did, and had entirely failed? Was the hon. and gallant Officer asleep? Did not he and his friends look with a vigilant eye, to see that the orders of the House of Commons had been carried into effect, and that the prosecution was urged as far as it would go? He should have been much more accurate in his particulars if he had been prepared on the subject; still, however, he thought his statement was substantially borne out by facts. He must repeat that he thought it rather unfeeling, on the part of the hon. and gallant Officer, to keep back the fact of indictments, having been preferred, although not against Mr. Hudson, yet against other parties with reference to whom the evidence was stronger. He would now leave the matter in the hands of the House; he trusted that his vindication of Mr. Hudson had been complete, and that the character of that gentleman remained without stain.

[Mr. Shaw rose, and was about to address the House, when an hon. Member on the Opposition side suggested that the House should now proceed with the business upon the paper.]

Mr. *Ward* rose to order. The House had, in courtesy to the hon. and gallant Member for Sligo, allowed him to vindicate himself from a personal charge, and, naturally enough, had afterwards listened to the explanation of the hon. and learned Member for Dublin. He submitted, however, that as there was now no question before the House, the right hon. Gentleman was out of order in addressing it.

The *Speaker* said, that an opportunity having been afforded to the hon. and gallant Member for Sligo, to make the observations which he felt it necessary to offer to the House, and the hon. and learned Member for Dublin having been heard in reply, it certainly would be inconvenient to continue the conversation. At the same time, as he understood the right hon. Gentleman wished merely to state a fact, the House would, perhaps, indulge him with a hearing.

Mr. *Shaw* said, that the hon. and learned Member for Dublin had charged him with having, when the subject was last before the House, suppressed a fact of which he (Mr. Shaw) was cognizant. Now, upon that occasion he, speaking not positively, but to the best of his belief, made a statement of facts which had, from the explanation given that night, turned out to be precisely accurate. After the hon. and learned Member for Dublin charged his hon. and gallant Friend with the suppression of the fact that Mr. Hudson had been indicted, and that the indictment had failed, he (Mr. Shaw) stood up and stated that he believed bills had been preferred against some of the parties, but that no bill had been presented against Mr. Hudson; and such turned out to be the fact. Now, as to the reason why no bill was preferred against Mr. Hudson, he wished to say nothing that could operate injuriously to that gentleman, and, therefore, would speak with the utmost delicacy; but the fact was, that the Government of that day was favourably disposed towards the unseated Members in whose interest Mr. Hudson had acted; and, as those who were considered the Representatives of the opposite party felt no desire to prosecute, the matter was allowed to drop. The circumstance of Mr. Hudson having escaped prosecution, did not, however, fail to attract considerable attention, and he was frequently requested to bring the subject under the notice of the House, but he had uniformly refused to do so. The general understanding was, that as regarded Mr. Hudson, the matter was allowed to drop by the Government, and the less the subject was pressed, as regarded Mr. Hudson, the better. With respect to the names of Hutton and Hudson—

Sir *John Hobhouse* rose to order. The right hon. Gentleman seemed to intimate, that he had something to say in his own vindication, and upon that ground the House had listened to him. The right hon. Gentleman was now proceeding further, and by saying, that the less this matter was pressed, the better it would be for Mr. Hudson, he would call up other hon. Members to reply to that insinuation. The House had already granted sufficient indulgence to the right hon. Gentleman; and if he persevered, the consequence would be that the hon. and learned Member on his right (Mr. O'Connell) would claim to make a reply, and thus the important Motion that was about to be brought on would be interrupted.

Subject dropped.

TITHES—(IRELAND).] The Order of the Day was read for calling the attention of the House to the Irish Tithe Question; and on the Motion of Lord Morpeth, the following Resolutions of the 7th of April were read:—

"That any surplus revenue of the present Church Establishment in Ireland, not required for the spiritual care of its members be applied to the moral and religious education of all classes of the people, without distinction of religious persuasion, providing for the resumption of such surplus, or of any such part of it as may be required by an increase in the number of the members of the Established Church.

"That it is the opinion of this House, that no measure upon tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the principle contained in the foregoing Resolutions."

Lord *Morpeth:* It may well be conceded to me, in rising to bring forward a Motion, professing to have for its object the settlement of Irish Tithes, and the future regulation of the Irish Church Establishment, that to bespeak the usual, and more than usual, indulgence and forbearance of the House is not to use mere words of course, or to preface my speech with an unmeaning common-place. For, when I recall, and when the House remembers, in the first place, the inherent difficulties and complexities of the subject itself, the numerous experiments through which it has wandered, and the various aspects which it has, from time to time, assumed, when we consider, further, the industry, the perseverance, and the ability, which have, from so many quarters, been sucessively brought to bear upon it, but which, great and laudable as they have been, have all, hitherto, successively failed in accomplishing at least the main part of the object at which they all have aimed —the satisfactory and final adjustment of the Question at issue—well may I find my present endeavour arduous, and the prospect it presents to me almost appalling.

I know, indeed, that as I have assumed the responsibility of taking the important office which I now have the honour to hold, I have almost put myself out of condition to plead that at a time when it had necessarily accumulated considerable arrears, I found myself with but very inadequate means of preparation, called upon at once to grapple with perhaps the most difficult question of state policy that ever presented itself, and upon which I have not ever happened previously to take any material part. There is indeed one consideration that alone tends to lighten this pressure of difficulty, which I gather from all retrospect of the subject, and this is, that for the first time, it devolves upon me to suggest a solution of the Tithe Question, accompanied by the assertion of a principle based, as it seems to me, on grounds of most just policy, of most honest conciliation,—such as I believe to be almost indispensable to reconcile the parties concerned—in other words the nation at large —to the embarrassments and sacrifices which any settlement must in some degree entail. At all events although the view which I myself take, and which I am thus the humble organ of submitting to the House on this momentous topic, cannot fail to encounter very decided—in many quarters very conscientious—in some, perhaps, very vehement, opposition; still I may venture to hope that my very abstinence from the discussions which have marked the previous progress of the question may back my request that it should now be received with all possible calmness and temper, and that I may allow myself to think that with all its difficulties, I inherit none of its animosities.

With respect to the form of my proceeding, after the best consideration I have been able to bestow upon it, and some consultation with those whose opinions are entitled to have weight in the matter, I have felt myself warranted in moving for leave to bring in a Bill, without previously going into a Committee of the whole House.

The Motion of which I have given notice, as may be collected from its terms, embraces two leading heads—the settlement of the Tithe Question, and the future regulation of the Irish Church Establishment. With respect, first, to the settlement of the Tithe Question, I think that the precedent of the Tithe Composition Act, introduced in 1823, by the right hon. Member for the University of Cambridge, and of the Bill for the Commutation of English Tithes, introduced by Lord Althorp in 1833, are sufficient to justify me in pursuing a similar course. There are, however, one or two regulations which I shall propose ultimately to embody in the Bill, for which I must ask the sanction of a Committee of the whole House previously to introducing them in the Committee on the Bill. With respect to the second head—the future regulation of the Irish Church Establishment, and its revenues—I have thought that the Resolutions moved in this Session by my noble Friend, the Secretary of State for the Home Department, and adopted by the House, which, with this view, have been read to-night at the Table will furnish adequate authority for the proposition which I intend to submit.

The subject has been so much and so recently before the House, that a very brief statement indeed will be sufficient to explain to hon. Members the position which it at present occupies; as I proceed, too, to state the particulars of the Measure which I am about to introduce, and thus, necessarily, as it were, to put them into some sort, not so much of contrast as comparison, with the particulars of the two previous Measures, the one introduced by Mr. Littleton, and after undergoing considerable alterations, finally sent up to the House of Lords in the late Parliament; the other announced by the right hon. and gallant Member for Launceston in the present, I find, that notwithstanding all that warmth of discussion and heat of feeling which have arisen, there is so much real similarity and agreement in all the propositions that come before the House, that the chief part of this branch of my subject will be pretty nearly achieved by marking such prominent points of difference as do occur while I go on. It would hardly be necessary to inform any person who had given any portion of his attention to these topics, that the composition for tithe in Ireland, which, under the Act of Mr. Goulburn, was voluntary, temporary, and renewable, was made, under the Act of Lord Stanley, compulsory and perpetual, subject only to a periodical re-valuation according to the price of corn. This composition is now complete and fixed, or, in the technical phrase, applotted, upon every piece of land liable to the payment of tithe, Ecclesiastical or lay, in Ireland. The amount of the whole composition, according to the latest returns which have been made out, is, I believe, 665,000*l.*, of which 555,000*l.* is for Ecclesiastical, 110,000*l.* for lay tithe. Now the opening proposition of this Measure is that in which both the previous Measures—the Bills of both Governments, as well as the opinion of every person who has spoken written, or thought, upon the subject, have uniformly concurred—that composition for tithe throughout Ireland should wholly cease and determine. The reasons which make this an Act not so much of expedient as of necessary policy, are so obvious in themselves and have received such copious illustration both from all that has been said within these walls, and from all that has been done, and is doing, without them, that I feel it would be worse than superfluous to add another word on this part of the subject. But before we arrive at a proper provision for the future, there comes across us that which is not the least difficult and thorny branch of the whole matter—the chapter of arrears. What is the state of the arrears? It will be in the recollection of the House that the liberality of a former Parliament granted the sum of 1,000,000*l.* subject to the understanding that it was to be repaid, for payment of the tithes due for the year 1833, and for the outstanding arrears of tithes for the years 1832 and 1831. Of this sum, I understand that about 637,000*l.* has already been advanced. But the whole million, was thus appropriated to the temporary relief of the tithe-owners, and every one who chose to apply for it received his portion, subject to a prescribed deduction. Those who did not choose to avail themselves of it were left to the ordinary legal modes of recovery; in aid of which the use of the civil and military force was never withheld, and was sometimes applied with very unfortunate effect. The Bill sent up to the House of Lords last year, allowed the yet unexpended residue of the million to meet the then remaining amount of arrears, and it enacted the repayment of the whole advances actually made under the Million Act by instalments, and on and after the 1st of November, 1835, for five successive years from the landlords, in addition to the yearly amount of rent charge to which, by that Bill, they were to become subject. The loss of that Bill brings a new feature into the case—the arrears of tithe for the year 1834, which, I much apprehend, include a large proportion of the whole amount payable. With what provisions the right hon. and gallant Member opposite was prepared to meet the arrears I am not able accurately to pronounce, as, by no fault, undoubtedly, of his (that responsibility rests elsewhere), he had not the opportunity of introducing his Bill. I collect from his statement that he intended to apply the unappropriated residue of the million to the payment of the arrears of 1834; I do not remember or find that he took notice of any previous arrears, and he expressed his apprehension, which I believe to be too well founded in fact, that for the arrears of 1834 alone, the sum in question would be greatly inadequate. The right hon. Gentleman also intended to remit the quinquennial instalments of the sums advanced upon the Million Act. Now with the arrears of 1831, 1832, and 1833, we do not propose to interfere. The means of relief were tendered to the acceptance of the tithe-owners—the legal modes of recovery were at their disposal—we, therefore, think it fair to leave them to the consequences of their own option. But, at the same time, in equal fairness, we do not think ourselves warranted to interrupt any suits now pending, however desirable we must consider it, were it in our power, to remove at once, and for ever, every vestige of those ancient grounds of irritation and collision. How then do we meet the arrears of 1834, which rest on very different grounds, inasmuch, as in the first place, no relief has been proffered, and, in the next, one branch of the Legislature had gone beyond merely talking of the extinction of tithes, and had enacted the final determination of all Tithe Compositions? To meet the arrears, then, of 1834, which we subject to a deduction of twenty-five per cent, we find for it, that in many parts of Ireland, especially in the northern and more Protestant districts, several landlords, under the provision of Stanley's Act, have of themselves voluntarily undertaken to pay to the clergy the tithe accruing to them, subject to a *bonus* of fifteen per cent. I believe 102,087*l*. of the composition for tithe have been thus undertaken for. Those landlords, so undertaking, we keep to the observance of their own liability. Will it be said, that we are acting unfairly towards them in giving an advantage over them to those who have not taken any step to discharge their liabilities? It is true that we wish to exempt, both prospectively and retrospectively, the occupying tenant from all future payment of tithe; but we empower the Privy Council to levy any arrears which have become due from the year 1834, from those persons who have permanent estates in the land, upon whom the liability had already, by law, devolved. We calculate the amount thus to be recovered will be between sixty and seventy thousand pounds. Hence, while in this respect we do so far connive at a non-fulfilment of legal engagements in the person of the occupying tenant, yet, in the instance of the generally wealthier and more solvent, proprietor, (who is more likely, too, to be a Protestant) we at least give no preference to those who have not discharged their legal obligations, over those who have either obeyed, or have undertaken to obey, the law. For any remainder of the arrears of 1834, which these provisions may fail to satisfy, we shall ask leave to employ such portions as may be necessary of the residue of the million; and, following the example of the right hon. and gallant Member, we shall endeavour to obtain the sanction of a Committee of the whole House for the remission of the instalments of the sums advanced under the Million Act. I do not pretend wholly to justify this course. The repayment of the sum was certainly promised, and, I feel assured, as certainly contemplated by those who proposed its advance. But after, what every day tends to convince me more and more was the unfortunate rejection of the Tithe Bill of last year—after the admission made in the House of Lords, even before that rejection, by Lord Melbourne, then Prime Minister, of the slight chance he foresaw of the sum being actually repaid—after the positive announcement of the right hon. and gallant Gentleman, then Secretary for Ireland, that he intended to propose the absolute remission of the repayment—I believe that almost every one has begun to be convinced that this million has, in fact, long been gone past recovery; that it is wholly out of the question to recover it from, still in a great measure, I fear, a destitute and impoverished clergy, except by involving them, and co-operating with them, in those means of military interference, and sanguinary collision, which, besides all their graver consequences, have already signalized their unfitness for their immediate object by levying the amount of 12,000*l.* at the cost of 28,000*l.* But it has been contended by many who sit on the same side of the House with myself, that they were not prepared to consent to so large a free gift on the part of this country, to relieve the embarrassments of the Irish clergy, or to prop up the tottering condition of the Irish Church, without receiving, as an equivalent, such an alteration in the appropriation of its future disposable funds, as might be more consistent with the justice of the case; more congenial with the feelings of the country; more conducive to the real object of any settlement—the maintenance of civil and religious peace. Such an altered appropriation we propose to engraft on our Bill; and on the strength of this we now come forward and appeal to the generosity of the Representatives of the empire at large for confirming this preliminary grant, in order that we may not only adjust the pressing exigencies of the case, but address ourselves with more facility and freedom to the remedial arrangements which follow.

Having thus dealt with all that appertains to the past, I now arrive at our proposed arrangements for the future. In common with the Bill of the Government of last year, and the proposal of the late Government of this year, we convert the present composition for tithe into an annual rent-charge, payable, as in the previous cases, by the owner of the first estate of inheritance, or other equivalent estate to be defined in the Bill, equal, in the present case, to seven-tenths of the amount of composition, or 70*l.* in every 100*l.* The proposal of the late Government made the rent charge equal to three-fourths, or 75*l.* in the 100*l.* I need not apologize to the Irish landowners, at least, for the diminution. The Bill of last year made the rent-charge equal only to three-fifths, or 60*l.* in the 100*l.*; but then it charged seventeen and a-half per cent first, on the Consolidated Fund, then on the Perpetuity Purchase Fund, and made no remission of the million. The landlord will, of course, concede the amount of this *bonus* to all the intermediate tenants down to the occupier of the land. He will be entitled to recover, as so much additional rent, from the leaseholder under him, the amount, and not more than the amount, of the rent-charge fixed upon himself. But though we make the rent-charge payable by the landowner 70*l.* instead of 75*l.* per cent as proposed by the late Government, we do not quite mulct the existing clerical incumbent in the same degree; we charge the cost of collection, which we rate at sixpence in the pound, on the tithe-owner, inasmuch as we transfer from him all its risk and trouble. The net amount, therefore, which would naturally fall to the tithe-owner, under the arrangement which I have stated, would be 68*l.* 5*s.* on every 100*l.* of composition. But we think that here it is allowable to make a distinction between not only the future and existing clerical incumbent, but also between the lay tithe-owner, who has no duties to perform in return, and generally has other sources of income, and the clergy now in possession, who have, or are assumed to have, duties exceeding all others in importance to discharge; and who are but in too many cases, from the circumstances of the few last years, reduced at this period to a state of severe distress and privation, not brought on them, still less deserved, by any demerits of their own (in most instances I believe it is quite the reverse), but by that oblique retribution which generally, sooner or later, involves in the penalties of a vicious system, even its most unoffending instruments. We, therefore, allow to all existing clerical incumbents five per cent more on the composition, which comes to 73*l.* 5*s.* on every 100*l.* of the existing amount of composition; falling, altogether, it is true, 4*l.* 5*s.* per cent below the Bill of last year, for the rejection of which they have not to charge the members of the present Government, but coming up, with only the trifling deduction of the cost of collection, to the amount proposed by the late Government. This additional charge, temporary, not permanent like that of last year, of five per cent, not of seventeen and a-half per cent, like that of last year, we fix upon the Perpetuity Purchase Fund; of which, considering the order of men to whom it is to be applied, and the object which it is intended to serve, that of producing a final settlement of the Tithe Question, and thus giving repose to the clergy and the Church, it can hardly be deemed an unappropriate or unecclesiastical use; and I rejoice to think that this view receives countenance from the statement made by my right hon. and gallant predecessor in introducing the Tithe Bill of the late Government, inasmuch as if, during the process of the investment of the redemption money for which that Bill was to provide, any loss of interest should have been sustained, the present incumbents were during their lives to have had the annual income of 75*l.* guaranteed to them; and this indemnification was to have been charged on the Perpetuity Purchase Fund. The two appropriations are therefore identical in principle. I am not aware that they would have been very different in amount, unless indeed that for some little time, probably, the charge on the Fund proposed by the right hon. Gentleman would have run much a-head of mine.

The machinery of the Bill, by which these provisions are to be carried into effect, is so nearly similar to that of last year, that it will not require any detailed notice on the present occasion. The rent-charges are made payable to the Crown, and are put under the management of the Commissioners of Woods and Forests. As far as I can collect the intention of the right hon. and gallant Gentleman, he intended the incumbent to receive the rent charges himself from the head landlord, and, if it should not have been paid when due, he was to apply to the Ecclesiastical Commissioners, who were to have recourse to a Crown process to obtain it; an arrangement which I humbly submit might tend to involve Ecclesiastical persons and bodies in the recurrence of disputes and altercations, and in the purely secular province of the whole matter, to a far greater extent than I can think expedient or creditable, We also propose to allow under certain circumstances, a power of revision, and revaluation of the existing tithe compositions. I certainly should have very much desired to have closed the whole question at once; but, upon hearing the number, as well as urgency, of the complaints that are made, some, I think, proceeding from those who yield to none in good will and friendship to the Church—many of them alleging strong instances of fact in corroboration, it did appear that it would be most difficult, if not impossible, to reconcile the Irish people to any settlement that did not include some such power; and our care must be to adopt such just and fair precautions as, on the one hand, will insure the dealing with real and solid matter of complaint, as in the case of promissory notes from insolvent parties, or adjudications by tribunals before which the parties did not appear; and, on the other hand, will be a security against the revision being frivolously, capriciously, or groundlessly resorted to. After they have been once decided, the rent-charge will, thenceforward, be only subject to variation as the compositions are now in reference to the price of corn at stated periods. The provisions of Lord Tenterden's Act for the Limitation of the Suits are likewise extended to Ireland, as in the Bill of last year.

These, then, are the principal provisions of the present Bill, as far as regards the immediate settlement of the property in tithe, and the interests of the existing incumbents. I recommend them to the favour of the House, not, assuredly, because they obviate all difficulty, and steer clear of all objection — the very nature of the question, and the actual circumstances of the time make that impossible—make every thing, we can select a choice between the counteracting embarrassments which beset the attempt to do the utmost practicable good to all parties, with the least avoidable unfairness to any. We encounter the disadvantage too, of running counter to that specific and favourite project which almost every one who takes an interest upon so important and extensive a subject will have been sure to set his own heart upon. One is for an entire new valuation, and general Land-tax, to which the chief objection, I conceive, is the necessary consumption of time, and the employment of a new machinery; another, and a large party, too, I am aware, in this House, is bent on redemption. This part of the Bill of last year, after much trial and discussion, was resisted by the late House of Commons. I do not think it would find much favour in the present; and I cannot at all see how it could be carried into effect without, a sensible additional loss to the clergy. Still I do recommend this scheme to the

House as liberal in the foremost place to the existing clergy, to whom it remits the liability for the repayment of a very large sum of money that has been advanced, and secures a payment for the time to come, and from and after a certain day in such year, with a running interest until discharged, subject to deduction certainly, but guaranteed to them beyond the chance of failure, and without any trouble or risk of collection—as satisfactory to the occupying tenant, from whom it removes all the vexation incident both to the payment, and, among well-disposed persons, even to the resistance of an obnoxious impost—as conducive to the real interests of the landlord, to whom, besides all the indirect advantages that would flow from the comparative tranquillization of the country, it gives, as to the land of which he is owner, a direct *bonus* of thirty per cent—as calculated to find acceptance with the great body of the nation, especially when coupled with that fairer and more equitable adjustment of Ecclesiastical Revenues, which we hope ultimately to establish, of which we here seek to lay the foundation; and which I will now address myself to submit briefly to the notice of the House.

In approaching this part of the subject I know we must abide the double risk of shocking what I consider the untenable positions of one party, and of falling probably short of what I may also think the too high-flown expectations of another; inasmuch, as we both deny the inviolability of Church property, and yet are determined to maintain the existence, and add, we hope, to the efficiency of the Established Church even in Ireland. We have to deal with a state of things there, which, in the present state of public opinion, would have precluded any sane man from dreaming to found in that country, if every thing had now to begin afresh, a Protestant Episcopal Church, yet, finding it there, with its long prescription, interwoven with so much of the every-day working of our civil policy, we are not prepared to uproot its foundations, or destroy its framework. At the same time I feel so sensibly the anomalous and precarious grounds on which it now, upon the clearest evidence, is found to rest, that of nothing am I more convinced than that, if you refuse to modify it, you will find it beyond the power of man, at least, to preserve it.

I am aware that a strong, perhaps, to some extent a reasonable objection is felt to the exact specification of numbers, when any result supposed likely to be acceptable to other parties, especially in a loose and turbulent state of society, would ensue upon the precise number falling short of the fixed point. We endeavour, therefore, as much as possible, to avoid the exact specification of numbers; and in the one instance, where we find it necessary, if, at least, we are prepared to do anything towards correcting these glaring disproportions which exist in many parts of Ireland between the pay and the duties of clerical incumbents, we have happily the means of making the reference to numbers retrospective instead of prospective. We must fix some point below which the appointment to the vacant benefice is to be suspended. If we will not do this, we do nothing at all.—If we will not do this, we still determine to keep up livings without cures, clergymen without flocks, pay without work; the worst gains of the sinecurist, on the worst plea of the bigot. There is now upon the Table of the House the Report of the Commissioners of Public Instruction, who in pursuance of the directions given to them, have furnished a census of the population of Ireland, specifying the respective proportions of the different religious denominations. Now I certainly cannot pretend to claim for this work, or for any work of such a nature, especially when completed within so limited a period, the merit of perfect and undeviating accuracy, but I contend that as far as the circumstances permitted, the Report has been framed in such a manner as to make it as accurate and authentic as any document of such a character could pretend to be. The House will observe that the census of 1831 is taken as the basis of the present census. The census of 1831 was not framed with any expectation of its being used for the purpose of ascertaining the relative proportions of the different religious denominations in Ireland, and cannot be consequently liable to any imputation of partiality on that score. The enumerators by whom that census was made, were appointed by the Magistrates for the different counties, who were not persons likely to entertain any very violent, or subversive views. Those enumerators were ordered on this occasion to communicate with the ministers of all religious persuasions; the clergy in the Established Church were especially requested to assist them, and the Ministers belonging to all the different bodies were invited to prepare distinct censuses of their own. In many instances this assistance was afforded to the enumerators, especially, I am happy to say, by the clergy of the Established Church, who, in some cases, visited themselves every house in their parishes. The list, which was verified on oath, was left fourteen days open for public inspection. After it had so remained open, the Commissioners visited the different parishes, and then held public sittings of inquiry, at which the ministers of every religious persuasion were invited to attend, for the purpose of giving in their district censuses; and every one was at liberty to tender evidence, which was taken in the face of the assembled parish. If there was likely to be any very marked inaccuracy in the enumeration of the numbers of the different denominations, it would most probably occur in the census of a large population, where some difficulty might be found in ascertaining and fixing the precise number. In the census of Belfast, for instance, which contains a population of 67,000 and odd inhabitants, and 17,000 members of the Established Church, the mistake was more likely to occur, than in the midst of a population among whom no Protestants, or but very few, were to be found; because if, in the latter case, any Protestant had been overlooked in the enumeration, if it had been asserted and recorded that nothing like a Protestant was in existence there, was it likely that he would abstain from coming forward, pointing out the falsity of the return, and removing the slur which he would conceive was thus attempted to be cast upon his parish. I contend, then, that this Report, on the whole, is entitled to be considered as authentic and accurate, for the purposes at which it aims, as any document of such a nature can be. I will not enter, here, into any minute dissection of its contents, for which other opportunities may occur; and, for the object of a general statement, it will be sufficient to mention general results. The whole population of Ireland is stated to be 7,943,940 persons. Of this total the number of members of the Established Church is 852,064 persons; of Presbyterians 642,356; of other Protestant Dissenters 21,808; and of Roman Catholics 6,427,712—or, putting the calculation in another form, the number of members of the Established Church is 852,064 persons, while the total number of Dissenters from the Established Church is 7,091,876 persons. The distribution of the members of the Established Church is nearly as disproportioned as their total amount. It is well known that they are to be found in the greatest numbers in the northern province of Ulster; and, not to enumerate more than one or two instances of the great disproportion that prevails in their distribution throughout Ireland, I find, adopting the authority of a book which, I believe, is entitled to great weight on such subjects, "Beaufort's Ecclesiastical Map of Ireland," that, in the diocese of Dromore, there are 264 members of the Established Church to every thousand acres; in the diocese of Tuam but about eight members of the Established Church to every thousand acres. In the diocese of Clogher the members of the Establishment are as twenty-six to one hundred of the whole population; while, in the diocese of Kilfenora, the proportion is less than one hundred, many nearly parallel cases might be quoted. Now with what provision do we propose to meet these glaring instances of disproportion, both in the total amount, and in the relative distribution, of the members of the Established Church? We shall ask the House to give its authority for the suspension of the presentation or appointment to any vacant benefice, in which it appears, upon the face of this Report, that the number of Protestants does not exceed fifty. We do not, however, even apply this limitation so strictly that if circumstances should have been materially changed in the interval, there should be no power of preventing the rigorous enforcement of the rule. The appointment is to be suspended, upon the vacancy, by the Ecclesiastical Commissioners in whom we think that the superintendence of all these matters will be most properly vested; unless the Lord-lieutenant in council should otherwise direct. But will it be asked whether we are prepared to leave all those parishes in Ireland, in which the number of members of the Established Church does not exceed fifty, entirely without any means and opportunities of spiritual instruction, or public worship? I have never, either here or elsewhere, previously or to night, dissembled my adherence to the principle of a religious establishment, and, therefore, in introducing a measure which is to regulate the future constitution of a religious establishment now in existence, and in endeavouring to adapt it to the state of society in which it is found, while I will not hang back, or shrink, from any limitation of its privileges, or diminution of its revenues, which seem to be prescribed by the circumstances of the case, and a sense of fairness and justice towards other parties; while I will be scared by no names of confiscation, spoliation, and sacrilege, when I think myself justified, on the plainest grounds of policy and truth; I yet cannot but derive satisfaction, as a Protestant and a Churchman, wherever I feel that I may combine, without prejudice to the just and equal rights of all, any special mark of adherence either to the faith which I profess, or the form of establishment to which I belong. I take, then, the strongest case, though by no means a solitary instance in Ireland—I take a parish in which there is no glebe-house, no church, no churchman; and even in this spot, supposing a member of the Established Church should come to reside there, or even a casual passer-by should chance to require the performance of a religious duty, even in this spot he shall find that the Legislature of his country has provided some one on whom he, the solitary resident, or casual stranger, may be authorized to call for the ministrations or the consolations of his religion. At the same time we do not affect to make this provision do more than just comply with the principle which leaves no foot of the State's dominions without the pale of the State's religion; a principle which, I am sorry to add, is not in operation in many districts of Ireland, which do not come within the operation of this Bill. The amount of provision, however, we endeavour to proportion to the extent of service. I need not say, that, in such a case, it would be very scanty. In a parish without glebe-house, church, or churchman, we consign the care of souls, which, I believe, is a correct, though it sounds a contradictory, expression, to the care of the minister of some adjoining parish, to be named by the Bishop, at an additional stipend of not more than *5l.* a-year.* In which case we indulgently depart from the proper rule that, where there is no duty there shall be no pay. I understand that, by the Church Temporalities' Act, introduced by my noble Friend, the Member for North Lancashire, the Ecclesiastical Commissioners were, in certain cases, empowered to assign the stipend of *4l.* per annum; this was not specified distinctly in the Bill, but such a stipend has been actually assigned; so we improve in liberality as we go on. In the case where there are any members of the Established Church—where there is but one —where there is any number below that which has occasioned the suspension of the benefice, the care of souls is either to be committed, as in the case where there is no member of the Establishment, to the ministry of some adjoining parish; or, if it should appear to the Board of Ecclesiastical Commissioners that, by such means, adequate provision was not likely to be made for the spiritual wants of the parish, a separate curate is to be appointed, with the consent and approbation of the Lord-lieutenant in Council; and it is to be specially enacted, that wherever there is now a church, and a resident officiating minister there shall always be, in future, a separate curate. With respect to the payment—where the cure is put into the hands of a neighbouring minister, the stipend, avoiding the exact specification of numbers, is to be proportioned to the duty to be performed; being in no case less than *10l.*, or more than *50l.* according to the judgement of the Ecclesiastical Commissioners, acting under the same approbation and consent. Where a separate curate is appointed, his salary is not to exceed *75l.*; he will be permitted to occupy the glebe-house, should there be one, if he so wishes, and undertakes to keep it in repair, and is also to have whatever portion of the glebe-land may be thought proper, not exceeding the annual value of 25*l.*[*] The Ecclesiastical Commissioners may let the glebe-house, unless the curate or officiating minister desires to occupy it; and may also let the glebe-lands, or such portion of them as shall not be allotted to him. They are to pay off all charges for buildings, dilapidations, &c., on suppressed benefices; and will, in the same manner, be entitled to receive all those dues that fall in. They are, in these respects, to hold the place of a single clergyman who might have succeeded to the living. Provision is to be made that, in every parish where the cure of souls is committed to a neighbouring minister, if his own church is not so situated as to afford sufficient accommodation for the members of the establishment in the annexed parish—and also in every parish where a separate curate is appointed, if there is no church or chapel—a suitable place of public worship shall be built or provided; the cost being suited to the probable extent of the congregation;—if to be built, not to exceed the sum of 100*l.*; if to be provided, or hired, not exceeding 15*l.* per annum.[†] Little, indeed, may be thought of these places of public worship, to be provided at so modest a cost. I admit they are not such as would have suited the palmy days of vestry cess—of architectural churches, and parish-paid organs; yet, for the accommodation of some ten or twenty persons, in the midst of a large population who are to derive no benefit from them, I trust they may answer all the purposes

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* "The Ecclesiastical Commissioners are directed, in the case of the suspension of a clerk to any benefice, in which divine service has not been celebrated for the three years preceding the 1st February, 1833, to appoint to the incumbent or officiating minister of the parish adjoining such suspended benefice, such moderate stipend as they, associated with the Bishop of the diocese, shall think fit in consideration of the occasional Ecclesiastical duties he may have to perform in such suspended benefice." See Sect. 117, 3 and 4 Will. 4, chap. 37.

By the first Report of the Ecclesiastical Commissioners, ordered to be printed by the House of Commons, 31st March, 1835, they state, that stipends varying from four to twenty-five pounds yearly have been appointed to the incumbents or officiating ministers of the parishes adjoining those benefices which have been suspended under the Act.

> "Of such plain roofs as piety can raise;
> And only vocal to their Maker's praise."

It is enacted that wherever the Ecclesiastical Commissioners are about to provide for the spiritual wants of a parish, or to apply any money in building, or providing, a place of worship, the Archbishop of the province, and the Bishop of the diocese shall be associated with them, as Commissioners, *pro hâc vice.* In the case which will very frequently happen, of one of these parishes, in which the number of members of the Established Church does not exceed fifty, forming part of an union with other parishes, it will be enacted, that the Ecclesiastical Commissioners, subject to the approbation and consent of the Lord-lieutenant in council, are either to disunite from the union the parish in question, and deal with it as with a separate suppressed benefice under this Act; or, if they shall think fit to continue the Union to direct that the incumbent is to receive such part of the income of that particular parish as would have fallen to his share as a neighbouring minister or a separate curate, under the provisions which I have detailed, in case the parish had not formed part of an union. If the Church and glebe house of the union should be in this parish, the Commissioners will be empowered to make such special provision for their use and occupation, as may seem to them most fitting. Further, upon every future vacancy of a benefice, the annual value of which, after allowing for the deduction on the amount of composition effected by this Bill, as well as for the tax on benefices, proposed by the Church Temporalities' Act, shall exceed 300*l.*, the Ecclesiastical Commissioners will be required to report to the Lord-Lieutenant, the circumstances of such benefice, and the extent of the Ecclesiastical duty, whereupon the Lord-lieutenant in council will be authorized to reduce the income in all cases when it should appear to them to exceed the requirements of the case; provided that the reduction never brings the income below 300*l.* a year. Now, with respect to the livings at the disposal of the Crown, and the Bishops, the right will hardly be denied to Parliament, provided it seems to them to be for the good of the country, and the Church, to deal with them at once. But it will suggest itself that lay or private advowsons stand on a different footing. With what degree of violence the hon. Member for St. Andrew's was prepared to deal with lay patronage in Scotland, the House was, unfortunately, prevented from fully ascertaining; but I feel it to be most desirable, in endeavouring to effect a great settlement of this nature, to shew as scrupulous a regard as possible to all claims bearing on the nature of private property, and we shall therefore introduce special provisions for enabling the Ecclesiastical Commissioners to indemnify the owners of lay advowsons which come under the operation of this Bill, by borrowing money on the security of the fund, to be established from the various sources I have mentioned. We propose to call this the reserve fund, and it will be applicable, in the first place, to the payment of stipends, or salaries, assigned to the ministers or curates interested with the cure of souls in the suppressed benefices, to the payment of the charges on such parishes,—to the provision of chapels, or places of worship, and other like purposes mentioned. After all such purposes shall have been satisfied, in just accordance, I conceive, with the Resolution of my noble Friend, the Secretary of State for the Home Department, all the further sums that accrue in each year will be applied by the Commissioners of National Education in Ireland to the religious and moral instruction of all classes of the people, without distinction of religious persuasion. As to the propriety of diverting the revenues of the Church to any but Ecclesiastical purposes, and the propriety of applying them to the religious and moral education of the whole body of the people, without distinction of religious persuasion, I feel there are points which it is quite out of my present province to labour: they have been already entertained, debated, and decided by this House; and it is in consequence of that decision that I now submit this whole measure to their consideration. I have already adverted to the objection which has been expressed in some quarters on account of apprehended peril to the safety, nay, to the lives of the existing clerical incumbents. I cannot, for my part, anticipate, that results so horrible could be brought about by any such ardent zeal for education, coupled with such a ruthless propensity to crime as this, in my view, rather morbid alarm pre-supposes; and let it be observed that, although the wants of the district from which the funds are drawn, will, of course, be primarily and mainly consulted, nothing makes it imperative to apply them within the actual bounds of the benefice become vacant; and, also, this Government, and, I make no doubt, all succeeding Governments, will still be prepared to call on the liberality of Parliament not to stint or starve the objects of popular education in Ireland, during the unavoidable scantiness of means which must prevail in the infancy of our Reserve Fund, and through the lives of existing incumbents.

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[*] So that in such cases the income of the curate arising from tithes and glebe-land will amount to 100*l.* per annum, in a parish where the number of members of the Established Church does not exceed fifty, with the use of the glebe-house, subject to no other charge than that of keeping it in repair—and he will receive this stipend exclusive of any sum for any adjoining parish, the cure of which may be committed to him in case there are not more than fifty members of the Established Church in such adjoining parish.

[†] Where there is no church in a suspended parish, it is intended that the school-house shall be used for the purposes of divine worship; or that a room in the glebe-house, if any, shall be set apart for the purpose; or if neither of these accommodations can be afforded, that a place of worship be erected at a cost of 100*l.*; or a room hired at a rent of 15*l.* pounds per annum.

But, I may be asked, as the Resolution, to which the House has agreed, states that the spiritual wants of the members of the Established Church should be fully provided for in the first instance, and as the funds at present in the hands of the Ecclesiastical Commissioners do not by any means yet meet those Ecclesiastical purposes to which they are assigned, are we at liberty to apply any surplus which arises under this Act, to the purposes of general education, the fund for the Ecclesiastical purposes being still inadequate? I think we are clearly so entitled. Beyond the five per cent on the composition for tithe which we charge on the Perpetuity Purchase Fund, for the benefit of the existing clergy, and which comes under the tithe settlement, and not under the appropriation branch of this Bill, I believe we shall hardly make any trespass, beyond, at least, what we repay, upon the funds in the hands of the Ecclesiastical Commissioners. It is true they are in debt at present; it will take some time for them to redeem it; but still, eventually, they will be in possession of a surplus. With that surplus we now in no way propose to deal; we leave that to the disposal of future Parliaments, when the moment for their interference shall have arrived. We leave it just as it would have been left by the late Government; but under this Bill we propose certain fresh modifications and curtailments of which the state of the Established Church seems to us to admit; we first do what we think necessary duly to provide for the spiritual wants of the members of the Established Church; and it is the remaining surplus, thus created, which we deem ourselves at liberty to apply at once to the object designated in the Resolution, the religious and moral instruction of the entire Irish people.

But will it be thought that when we speak of parishes without churches or churchmen, or with but tens and twenties, out of the whole population, we are but counting shadows, and making a great outcry over one or two extreme instances, and that this Reserve Fund will in fact have no feeders to supply it? I call the attention of those who are so ready to sneer at our giving only *5l.* to a neighbouring clergyman, for doing the duty in parishes where there is no duty to be done, to the statement of the numbers of parishes which come under the operation of this Bill:—

DIOCESES.	No. of Parishes without *any* Protestants.	Number of Parishes, containing in Number, Protestants less than					Total No. of Parishes containing *none*, or *less* than 50 Protestants.
		Ten.	Twenty.	Thirty.	Forty.	Fifty.	
1. Cashel - -	14	11	16	18	6	3	58
2. Emly - -	10	9	9	2	2	2	34
3. Waterford - -	7	3	5	nil	1	nil	16
4. Lismore - -	7	14	12	9	7	3	52
5. Limerick - -	9	12	13	7	5	5	51
6. Ardfert and Aghadoe	7	13	12	7	7	6	52
7. Cork - -	1	2	1	4	7	2	17
8. Ross - - -	1	2	3	1	3	nil	10
9. Cloyne - -	12	9	16	13	7	4	61
10. Killaloe - -	1	11	11	7	8	4	42
11. Kilfenora - -	9	2	2	1	nil	nil	14
12. Dublin - -	6	6	7	2	5	3	29
13. Kildare - -	4	7	10	5	7	6	39
14. Ferns - - -	7	8	7	12	5	5	44
15. Leighlin - -	3	4	5	4	2	3	21
16. Ossory - -	17	21	11	5	10	8	72
17. Tuam - -	11	13	6	9	3	1	43
18. Elphin - -	3	10	12	5	2	2	34
19. 20. } Clonfert and Kilmacduagh -	7	6	8	5	4	3	33
21. 22. } Killala and Achonry - -	2	2	5	2	2	1	14
23. Armagh - -	6	5	2	4	3	2	22
24. Meath - -	6	21	22	16	6	13	84
25. Ardagh - - -	nil	nil	1	nil	nil	nil	1
26. Down - -	nil	nil	nil	1	1	nil	2
27. Connor - -	1	3	2	4	4	nil	14
28. Derry - -	nil	nil	nil	1	nil	1	1
Totals:	151	194	198	133	107	77	860*

The consequence will be that the funds, which, in all these parishes, are wholly devoted to the maintenance of what I must consider a superfluous portion of the Established Church, because it is devoted to the maintenance of sinecurists and absentees, will also in some measure be applied to the benefit of the overwhelming majority of persons belonging to other persuasions, now wholly unprovided by the State with the means of religious, or of any, instruction; who will thus be acknowledged as entitled to share with their fellow-countrymen in that access to religious and moral education, which a paternal Government ought not to refuse to any class of its subjects. I have also had an account made up, as far as it could be calculated, upon the amount of the Reserve Fund likely to accrue under this Bill, from the parishes which it would affect. This account does not include any sums to be derived from the reduction of benefices above 300*l.* a-year in value, because as the amount of that reduction is to be discretionary, and proportionate, it would of course be hardly possible to form an estimate sufficiently exact; nor, for the same reason, does it include any sums to be derived from the letting of glebe houses and glebe lands:—

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* Of parishes there are stated to be at present, in Ireland, about 2,405; and of benefices, composed either of single parishes, or of unions of parishes, or parts of parishes, there are about 1,385 in number;—so that although one or more parishes in an union will be suspended, still the benefice itself may continue although in a modified and reduced shape, as regards the amount of income. Of unions of parishes there are 478, which form the principal portion of the benefices affected by the contemplated provisions.

DIOCESES.	Gross Amount of Reserved Fund arising from Parishes.						Total Amount of Reserved Fund.		
	In Royal or Ecclesiastical Patronage, after existing interests.			In Lay Patronage, after existing interests, and indemnification of Patrons.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1. Cashel	5,520	10	5	nil					
2. Emly	1,760	13	6	503	15	5			
3. Waterford	520	0	0	nil					
4. Lismore	2,159	11	2	1,603	3	10			
5. Limerick	2,087	1	4	1,512	3	10			
6. Ardfert, &c.	1,762	19	6	1,178	10	6			
7. Cork	1,862	19	9	308	18	0			
8. Ross	464	16	2	nil					
9. Cloyne	8,802	10	9	nil					
10. Killaloe	1,717	0	10	1,241	0	11			
11. Kilfenora	327	11	7	51	4	11			
12. Dublin	1,013	4	9	176	12	0			
13. Kildare	1,320	3	3	45	15	7			
14. Ferns	1,925	5	5	nil					
15. Leighlin	1,829	2	4	46	3	1			
16. Ossory	4,727	5	1	1,841	4	0			
17. Tuam	2,668	3	5	nil					
18. Elphin	1,599	8	7	nil					
19. 20. Clonfert and Kilmacduagh	512	17	4	267	12	8			
21. 22. Killala and Achonry	800	12	10	nil					
23. Armagh	1,003	10	7	271	0	11			
24. Meath	2,788	5	11	1,005	9	6			
25. Ardagh	16	16	4	nil					
26. Down	56	1	3	nil					
27. Connor	588	16	5	125	10	6			
28. Derry	63	3	1	nil					
	47,898	11	7	10,178	5	7	58,076	17	2*

Exclusive of glebe lands.

I think that the mere statement of facts contained in these enumerations must make an impression beyond the compass of any declamation to reach; and that all the arts of diction cannot come up to this bare arithmetic.

It will be remembered that, in the Debates on the Church Temporalities' Act, we heard much of the expansive force of Protestantism, and I am glad so far to find, in the shape of corroboration to that expression, that the Report of the Commissioners of public instruction states the numbers of many of the Protestant and Church of England congregations in Ireland to be on the increase. We have not been inattentive to this branch of the consideration, and we provide that, if, at any subsequent time, the number of members of the Established Church should increase in such a manner as that the arrangements adopted under this Act should be found, in the judgment of the Ecclesiastical Commissioners, inadequate to the spiritual wants of the parish, they are specially to report the circumstances to the Lord-lieutenant in council, and to submit at the same time the proposition which they may think called for by the circumstances of the case. If the Lord-lieutenant in council should approve of this Report and proposition, they are to be laid before Parliament; and, after the expiration of six months from that period, the Ecclesiastical Commissioners may carry their proposition into effect, unless Parliament shall have otherwise directed.

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* The principle upon which this calculation has been formed is as follows:—From the existing amounts of composition, 30*l.* per cent has been, in the first place, dedcted as contemplated by the Bill;—and, after allowing a sum of 5*l.* per parish, for those parishes in which there are not any Protestants, an average stipend of 25*l.* per parish for those in which there are less than fifty Protestants, without Church or glebe house; as also an average stipend of 65*l.* per parish for those in which there are less than fifty Protestants, but having either a Church or glebe house, the surplus, as above stated, will arise in each diocese from and after the cessation of existing interests.

I believe that the Bill only contains, further, two or three Clauses for the purpose of amending, filling up, and extending, some portions of the Church Temporalities' Act, but as they are only framed with the view to act in the obvious spirit, and fulfil the evident intentions of this Act, I need hardly enter into any detail of them at present; they mainly provide that the property of minor canons and vicars choral should be vested in the Ecclesiastical Commissioners, subject to provisions for existing interests, and the discharge of actual duties. The tithes disappropriated from dignities in case of vicarages, or other cures, being specially endowed, may be carried to the general account of the same Commissioners; and the tenants of Bishops, instead of paying down the purchase-money for perpetuities, may give a mortgage, at a reduced interest, payable within a limited period. I ought, perhaps, to add, that any additional sums arising out of these provisions, being subsidiary to the operation of the Church Temporalities' Act, will, conformably with the principle to which I before adverted, be applied to the general fund under the administration of the Ecclesiastical Commissioners for the purposes of that Act.

I have now gone through the main provisions of the Measure which I have the honour to submit to the House. It comprises many heads; it covers much ground; it touches important principles; and, therefore, I know that, in its progress, it must expect to encounter many assailants, perhaps from many quarters.

I believe the settlement of the Tithe Question to be as indispensable to a suffering clergy, as I think a fresh appropriation is called for by a superabundant establishment; and, therefore, I think the Bill rightly and fairly connects and couples them together. I also am pleased to think that while the Bill does not shrink from grappling openly and boldly with the question of appropriation—while it assails all sinecures, in spite of any prescriptions, I believe, in my conscience, that its tendency will be to give to Protestants themselves—to that very Church, which it may probably be represented merely as an attempt to rob, defraud, and pillage, sources of strength and vitality which have been long dried up before: and it is hardly fanciful to hope, that in many parishes where the untended flock has hitherto been unconscious of the ministrations, and even of the existence, of their pluralist or absentee incumbent, it may, for the first time, cause "the sound of a church-going bell" to be heard. Such advantages however, invaluable as they would be in my eyes, I admit to be almost incidental to the main object of the measure, which is, that when you are calling upon the country to ratify and secure, at considerable cost and sacrifice, the future maintenance of a Church Establishment, which alone ought to exist on the plea of the national good, you are called upon to give to it that decent conformity with the tenure of its existence, and with the extent of its duties, as may render it an object of unforced esteem, and respectful forbearance, instead of an unfailing source of contemptuous reproach and angry resistance. If the proposition I am now making is calculated, in the slightest degree, to operate against the interests of truth and real religion, no one more heartily desires its failure. It is with the most confident wishes for its success that I now move for "leave to bring in a Bill for the better regulation of Ecclesiastical Revenues, and the promotion of Religious and Moral Education in Ireland."

Sir *Henry Hardinge* said, that at that late hour, he should best consult the wishes of the House by pursuing the course adopted by the noble Lord (the Secretary of State for the Home Department) towards the Bill introduced by him (Sir Henry Hardinge), when he did not oppose the Resolution on the introduction of the Bill, on the understanding, that no Member by not opposing the Resolution, lent himself to the principle or the details of the measure. He should, therefore, offer no opposition to the Motion of the noble Lord, reserving to himself the right to offer every possible opposition to the principle and the details of the Bill hereafter. When the principle of appropriation was avowed, and it was proposed to apply the property of the Church to other than Ecclesiastical purposes, he felt it his duty to declare, that his objections to such a measure were as insuperable as ever, and that he would never be a party to the adoption of a principle so full of mischief and danger. The statement of the noble Lord embraced two heads, the Question of the settlement of Tithes, and that of regulating the property of the Church; and as far as he could follow the statement of the noble Lord, so far as the clergy were concerned, the plan of regulation proposed by the noble Lord was infinitely worse than any idea he (Sir Henry Hardinge) could have formed of the measure. The noble Lord had truly said, that the Bill would have many enemies; it was calculated to please only one tail. When the measure was known throughout the country, no doubt the noble Lord's anticipation would be fulfilled. He was confident that the Bill would not pass that House; at any rate that it would not become an Act of the Legislature. He was aware that in saying this he exposed the other branch of the Legislature to the imputation of the consequences of rejecting the measure of last year; but he appealed to the House, whether the rejection of that Bill was not justified by the fact, that in the Bill of last year the landlords had forty per cent; in this Bill only thirty per cent? He granted that it was better for the clergy; but was not a justification of the rejection of the Bill to be found in this statement? He intreated and implored the noble Lord, when he talked of there being no pay where there was no work, since there was to be so large a sacrifice on the part of Government and the country, to take out of the Bill the miserable stipend to a clergyman of *5l.* a-year to relieve his measure from the ridicule of granting to a labouring clergyman *5l.* a-year for the performance of religious duty. All the objections he had ever had to the principle of appropriation of the noble Lord (the Secretary of State for the Home Department) applied to this measure. But when he heard that the number of Protestants in a parish, to make it one of the suspended parishes, was to be below fifty, he must say, that this principle would be productive of the greatest danger in Ireland. Suppose a parish contained fifty-five Protestants; if, by means of emigration, cholera, natural death, or assassination, the number was brought down to forty-nine, was this parish, under the system of the Act, to be suspended?

Lord *Morpeth* observed, that the calculation was retrospective. The measure would only operate on those parishes in which, according to the Report on the Table, the number of the Protestants did not exceed fifty.

Sir *Henry Hardinge*: Where then was the justice of the arrangement, if it was merely retrospective. Where was the justice of fixing the number retrospectively at fifty. But he should not enter into the details. The Bill was of a character which he would undertake to say, when it was known in the country, would be found to have exceeded the worst predictions of the worst enemies of the Church, and it never would become an Act of the Legislature.

Mr. *Hume* hoped that the noble Lord would not be alarmed. It was quite absurd to say at the present day, that a Church should not be suited to the wants of the people. A line must be drawn, and his Majesty's Government had attempted to draw a line. Looking to the principle of the noble Lord, he thought no measure could be more equitable. If the right hon. Gentleman quarrelled with the *5l.*, and thought it ought not to be given, where there was no duty done, he would agree with him to strike it off. But he did not look at it in that light. Parliament was right to require that some provision should be made. There was no fear that the measure would not pass this House; the Bill, he hoped, would pass both Houses of Parliament, and they were not the friends of Parliament who said otherwise. Let those who refused the last Bill refuse this Bill. The right hon. Gentleman's means of knowing the sentiments of the people might be better than his; but Gentlemen lived each in his own sphere, and limited their inquiries to their own society. He was one of those who looked to Government as the means of promoting the happiness of the many, and it was in that light he viewed the present measure. There was only one part of it he could not support—that was the proposed grant of 1,000,000*l.* The Church had ample means to pay this money; the House should not give it up unconditionally. The right hon. Gentleman, he repeated, was mistaken as to the manner in which his proposition would be received. He was confident that in its spirit and principle it would be received by the whole country with exultation and gratitude.

Mr. *Shaw* could not allow the Bill to be introduced without entering his warmest and most earnest protest against it. The question involved in it was of the most vital importance, and which, if not speedily settled, would leave no security for property. The state in which the Irish Clergy were placed was such as he would not harrow the feelings of the House by describing. If Government had properly asserted the dignity of the law four years ago in Ireland, the settlement of this question would not be a matter of such difficulty. If they had proceeded with the same vigour with which they appeared to undertake this Bill, circumstances in Ireland would now bear a different aspect. The law had been asserted in Ireland, and order had been restored; but when Lord Althorp announced that no further tithes should be collected, the police, who on one day had put up one notice, were the next day to be seen putting up another of a different tendency, and the authority of the law was at an end. There was one point which he was desirous of impressing upon the House; namely, that the Clergy of Ireland, whatever might be their suffering, were a body of men whose integrity was not to be corrupted; and he would tell the noble Lord that nothing could induce them to forego their paramount duty, or abandon the work for which they had been appointed. They would accept of no personal or temporary relief at the expense of any principle which to them appeared subversive of the Established Church in Ireland. They never could forget the language of the dignified Prelate who presided at a meeting held some time since in Ireland, and who, in stating the sentiments of the clergy of that country, said that they were prepared to sacrifice every personal consideration, even life itself, for the preservation of the Church. The time was now come when the question was to be decided whether there should or should not be an Established Church. If there was to be no Establishment, let the determination be fairly and plainly stated; and let not the House or the country be deluded by this Appropriation Clause, and the Clergy of Ireland insulted and mocked by the noble Lord's 5*l.* provision. The object of this Bill was to set a fine upon the heads of Protestants and to hold out an obvious inducement to their reduction, and eventually their extirpation, by means of tumult and outrage which he could not stop to detail. Would the noble Lord stand up in his place, and say that his Bill would not have this effect? The noble Lord said that his measure was purely retrospective. But if the noble Lord attempted to quiet himself or the House with such a notion, he was under a sad delusion. The noble Lord proposed to do away with the duties and the stipend of the Protestant clergyman in every parish which did not contain fifty Protestant souls. What would the noble Lord do, however, when, some short time hence, parishes which now contained fifty-one or upwards of Protestants were reduced below that number, by what means he need not say? When that came to pass, as it inevitably would come to pass, would not the noble Lord find himself urged on by the same pressing necessity which now actuated him to sweep away those parishes also? It was quite puerile to talk of this Bill operating only retrospectively; its baneful operation would be worked forward until the whole Protestant Establishment in Ireland was undermined, and the religion left unprotected in the country. If it was the noble Lord's intention to destroy the Protestant Church in Ireland, let him do so in a more noble, a more manly, a more honest, and a more humane manner than the one he now proposed to adopt. Let him bring in a Bill expressly and directly for the abolition of the Irish Church, and not let the extinction of the Church depend upon the extinction of its members and adherents. He would not longer detain the House upon the principles involved in this Bill. He had already said, that he did not propose to offer any opposition to it in its present stage; but he gave the noble Lord notice that it was his determination, in all its subsequent stages, whenever it might be brought forward, to give it his most determined opposition. Before he sat down, he wished to put a question to the right hon. Gentleman in the Chair, relative to the regularity of the course the noble Lord had adopted on the present occasion.

He wished to put it to the noble Lord and to the House, whether it was customary to bring forward a Motion upon a grave and important matter of religion or finance in any other way than before a Committee of the whole House. He certainly had understood that it had been the intention of the noble Lord to take up the Resolution passed by a Committee of the whole House in an earlier part of the Session. relating to the appropriation of Church-property; and upon that Resolution to found a Motion for leave to bring in a Bill upon the subject. The noble Lord had not done so, however; and what he wanted to be informed of was, whether the noble Lord was strictly in order in the course he had pursued?

Lord *Morpeth* was understood to say that he had precedents in the case of the Irish Tithe Bill, and also in that of the English Tithe Bill of 1832, to warrant the course he had pursued that night.

Mr. *Charles A. Walker* would not have said one word but for the observations which had been made from the opposite side of the House. But as a Protestant Member, he begged to return his best and warmest thanks to the noble Lord, and to his Majesty's Ministers, for bringing in a measure which would not injure the Protestant religion, but must materially serve it. He believed that, looking to past experience, Protestantism in Ireland would diminish, and that Church would cease to be the Established Church. He thanked the Government for this measure, which he hailed as a boon to the people of Ireland, because, if any thing could christianise the Church, it was a measure like this. Hon. Gentlemen on the opposite side of the House seemed to claim to themselves the exclusive representation of the Protestants of Ireland; but he would say, that he and others on that (the Ministerial) side were the persons who really represented the Protestants of Ireland, though they did not represent the Orange faction. If that measure, or one of equal efficiency, were postponed, the collection of tithes in Ireland as well as the Church itself would be gone for ever. It had been stated, that the plan on which the noble Lord proceeded was altogether inapplicable to the state of Ireland; but he (Mr. Walker) knew a case in his own neighbourhood in which the clergyman of one parish received the sum of 4*l.* a-year, for doing duty in the next parish, in which there was no church.

Lord *Stanley* rose for the purpose of expressing a hope, as upon the present occasion there seemed not to be the smallest disposition on the part of the House to throw any impediment in the way of the introduction of the Bill, that hon. Members would not continue a discussion which might prevent a fuller discussion hereafter, but delay their observations till the proper time came, which would afford the opportunity of entering fully into the debate. When that time arrived, as his noble Friend very well knew, he should be prepared to express his opinion on this Bill, and on the subject of the Appropriation more especially. He need not tell his noble Friend that he should give it every possible opposition in his power. He well knew the courage of his noble Friend and those with whom he was associated in bringing forward this measure, but he confessed that the boldness of the measure and its details did far exceed his most fearful anticipations. First of all, entering his protest against the Appropriation part of the Bill in principle—against almost every detail in reference to the Appropriation—also against the principle of doing away with the practicability of redemption —and, almost as much as any, against the power to re-open composition, which could not now after so many years be safely re-opened—he wished to ask for explanation on one or two points upon which he did not know whether or not he had accurately understood his noble Friend. First whether his noble Friend meant, that for the sum, such as it might be, which was in future to be appropriated to the clergy, the State was to make itself liable, without deduction, whatever its power might be of collection or to appropriate?

Lord *Morpeth* said, that his noble Friend had understood him correctly in taking that in the affirmative.

Lord *Stanley* then wished to know how far back his noble Friend meant to go with the power of collection?—next, from whom he purposed the collection should be made? he understood the noble Lord to say from the landlord. He knew the practical difficulty there would be in that, for he had considered the subject well, but did the noble Lord propose that the collection should be from the landlord at the head of the scale, or from the person immediately above the occupying tenant, and then so go on ascending in the scale? He asked that, in reference to those who were between the head landlord and the tenant, and whose interests might be most materially affected by the measure. A third question was with regard to the parishes, for his noble Friend had first stated there were about 840 parishes that would come within the operation of that provision of the Bill by which, there not being fifty Protestants within each of them, the clergyman would be deprived of the income derived from those parishes. His noble Friend had said parishes, and had not said benefices; and this difficulty would arise under his noble Friend's Bill—for he apprehended the suspension would be compulsory; if the Protestant population did not amount to a certain number, this case might and would arise; a clergyman might be in possession of three parishes, one of which contained a large Protestant population, but which might actually fail in producing any income; the two others might contain a very small proportion of Protestants, and a numerous body of Roman Catholics; and for the very reason that they paid a considerable amount in tithes, and did not contain many Protestants, they had been added to the other parish, which contained a large body of Protestants, but few Catholics, and yielded no revenue; would the operation of the noble Lord's Bill not be, that in such a case, the clergyman, losing the income derived from the two parishes which were competent to pay, and did pay, would be left with a large body of Protestant parishioners, and absolutely deprived of any income from his living whatever? He hoped the noble Lord would be able to contradict the supposition that this would be the effect; if not, he would commit by his Bill a very gross injustice. The last question was, whether the whole produce of those 840 parishes—whether all the pecuniary advantages he proposed to derive from this suspension, was the miserable sum of 58,000*l.* a-year? He thought his noble Friend had said so, but he could hardly believe that, for the inducement of 58,000*l.* a-year his noble Friend would for so small, so pitiful a consideration, venture upon the discussion and argument of so great and so hazardous a principle. He only rose for the purpose of asking for these explanations, and of expressing a hope that the discussion at present wonld not be prolonged, reserving to himself the right of comment hereafter on every detail and every part of this Bill. He must say, with respect to a Bill of this description, and so violent a Bill, he had never seen one introduced to that House in so moderate a manner. His noble Friend's speech was temperate, calm, and perfectly proper throughout in its tone and manner. He only wished the substance of the speech and of the measure had been as gratifying to him as was the tone of his noble Friend in introducing it.

Lord *Morpeth* said, he would very briefly answers the questions put to him by his noble Friend. In answer to the first question, he did not propose a revision of all agreements with reference to the commutation of tithes, but still some of them were open to revision. He believed he would secure the object they had in view without involving himself in any of the difficulties anticipated by his noble Friend. In answer to the second question, he proposed to recover from the head landlord, and if they did not succeed they would descend till they got to the occupying tenant.

Lord *Stanley* hoped the noble Lord would pardon his interruption by asking upon that whether, supposing the head landlord discharged the tithes, he being then entitled to recover it from the intermediate person, it was intended he should be liable to the payment, which by no covenant he had before been liable to, and that he should afterwards have thrown upon him the trouble and expense of recovering it without any indemnification?

Lord *Morpeth* said, they should come upon the immediate occupying tenant, the amount being deducted from the rent. He had certainly distinctly said, that the suspending powers of this Bill applied not to benefices, but to parishes. With reference to the case which had been put by his noble Friend of the three parishes, in pursuance with the principle of the Bill, they would certainly think themselves authorized to declare, that in any parish where there was not a sufficient number of Protestants, the emoluments arising from that parish should cease, except in certain cases, where they might deem it right to make a special provision that the suspension should not take place; if the Lord-lieutenant, for instance, should withhold his consent to it, in such cases. 58,000*l.* was not all that was expected to arise from this system. There was a sum which would arise from the glebe houses and glebe lands, and the reductions of incomes in those parishes in which the net annual value exceeded 300*l.* a-year. 58,000*l.* a-year, however, was all they could calculate upon at present as standing to the account of the commissioners of national education. The whole of the other income would not be realized as savings, because they would not only have to pay out of it ministers for labouring among their flocks, but also, where there were not churches, to provide suitable places of worship.

Sir *Robert Peel* said, that on account of the advanced period of the night, he should not detain the House many minutes. As he wished to see this Bill in a printed form, he should abstain from entering into any observation on its details. The Bill, he apprehended, in two important elements of it, was nearly conformable in principle to the Bill which was introduced by his right hon. Friend. As far as regarded the remission of the million, which had been advanced, he entirely concurred in the provisions of the Bill. He believed the difficulty of recovering the arrear of tithes would now be so great that there was nothing to be done but to remit that amount; not, however, to the clergy, not to the Established Church, but to the landlords. It was not that it was to be remitted to the Church, but to the landlords of Ireland; because it would be a mockery to call on the clergy for repayment without giving them the means of recovering it again from the occupying tenants. He hoped, therefore, the fact would not be mistaken. The remission was a *bonus* to those by whom it must have been repaid. With respect to the *bonus* or remission of thirty per cent, whether it should be twenty-five or thirty per cent, there was no material difference of the principle between this and the Bill brought in by his right hon. Friend. He should, therefore, not say a word on that. On other points he differed most materially from the noble Lord. The noble Lord abandoned altogether the principle of redemption; he took away the opportunity of abolishing annual payments in lieu of tithes, by giving an equivalent in land, in so far that he made the clergy of the Church pensioners on Government, instead of being entitled to permanent incomes from their parishes, and, in that respect, he thought the Bill disadvantageous as compared with the Bill of his right hon. Friend. As to the principle of opening the composition, he must hear the principle detailed on which that opening was to take place, before he stated the full extent of his objections. He could conceive the possibility of its being so extremely limited that in one or two extreme cases it might be admissible, but the difficulty he knew it would occasion, and the injustice it would work in many cases, where evidence of the value was destroyed, would be so great that he must have the conclusive proof of some great practical convenience to be obtained, and some great benefit to be achieved by it, before he could give his consent to the opening of those compositions which took place with the voluntary consent of all parties. With respect to the detail part of the Bill, in which the noble Lord introduced his new principle of distribution, even if he agreed with the noble Lord as to the general principle of the Bill, if there was no great difference of opinion between them on the question of appropriation, he must say, he never could believe that the wit and ingenuity of any man could have devised so ill a mode of carrying his intention into execution. If selecting a number in a parish, and fifty were the number at which curtailment were to take place as a principle, the mode in which the noble Lord proposed to execute his own intention, appeared to him to be open to insuperable objections. He could not but think that the noble Lord's proposal to allot to any clergyman of the Established Church who had obtained an education, and acquired habits fitting him for the duties he had to discharge, to allot to him, with a family to support, 65*l.* a-year, appeared to be an allotment utterly inadequate for the performance of such duties. He might have mistaken the noble Lord, but he understood him to say, 65*l.*, although originally he said 75*l.* a-year. In those cases where, admitting the Protestants to be very small, they were yet sufficient to justify having a separate curate, in his opinion an allotment of any such stipend as 75*l.* a-year was equally injurious to the interests of he individual as to the Establishment itself. It was no answer on the part of the noble Lord to say, that he could show instances now where curates received only 75*l.* a-year. That was no answer, because whenever the subject had been considered, and when thenecessity of a fresh distribution of the revenues of the Church and a fresh appropriation had been admitted, providing for Ecclesiastical purposes, one of the great advantages always expected to be derived from those new distributions was to correct those anomalies, and to give to the clergyman that which would be at least sufficient for the maintenance of himself and his family. And he had heard the hon. Gentleman who sat near to him on his left hand (Mr. Hume) himself maintain this principle, that whenever in Ireland it was necessary to maintain an independant clergyman, he would contend that that man was fairly entitled to 300*l.* a-year. He was not now contending so much for the individual, because he had an option to exercise, but for the interests of his flock and the general interests of the Established Church. If they were to have any clergy in any part of Ireland, it was for the interests of Ireland, for the interests of the Protestants, nay, for the interests of the Roman Catholic population, that they should be men possessing those general attainments that would afford that guarantee of character for which 300*l.* a-year was little enough. To station an educated clergyman in some remote part of Ireland, to deprive him of the advantages of society, and to allot to him the sum which had been mentioned, would be utterly unworthy of the character of the British Legislature. It was competent for the noble Lord to amend that part of the Bill, and he did hope, that if the House should come to the consideration of this measure in detail, and this part of the Bill remained, he did hope the noble Lord would find a very general and concurrent opinion on the part of the House, that any such allotment as 65*l.* a-year to a minister of the Church of England, exercising the cure of souls, was utterly inadequate. As to the great principle of appropriation of the Church revenues to other purposes than those strictly Ecclesiastical, and connected with the Church establishment, he could only say, that his mind remained unaltered, and to that he should offer his most strenuous opposition. At the same time, if the noble Lord would take a proper view of the interests of the Church, it would not be difficult for him to see that he would have, in point of fact, no surplus to appropriate; that was to say, if the clergymen were merely to have a decent maintenance for the discharge of their duties as ministers of the Church of England, even admitting the propriety of deductions in certain cases in large towns, there could be no difficulty in showing that there would remain no surplus for the noble Lord to appropriate. If the noble Lord was about to open the composition, and if he would admit this principle, that even where there was a single Protestant, or where there was only a casual congregation, still it was the duty of the Legislature to make provision for the performance of religious service; and if he would admit that other principle, that where there was a clergyman permanently established, he should be able to maintain his family in decent and becoming competency, it would not be difficult to show that they were fighting about a shadow, and that there would actually be no surplus to deal with. If that were the case, if they were to gain nothing by this principle beyond insuring discord, why, he asked, should it now be asserted? Did the noble Lord really believe, that with all his extravagant calculations about 50,000*l.* which would accrue from the suspended benefices—did the noble Lord really believe, that after meeting all the contingencies and the debts accumulated on the Perpetuity Fund—after taking all those incidents of deduction into consideration, did he really believe that any surplus would be found to exist. [Lord *Morpeth:* The Bill does not touch the Perpetuity Fund.] Yes, but there was a debt upon it which must be paid off. After making his deduction of 30 per cent on the present amount of tithes—after making every allowance which he should find practically necessary in realizing his rent-charge—after having opened composition—after having provided for the new Churches, and the new glebe-houses he was about to build—after providing for the augmentation of the curates' salaries in the new parishes—the noble Lord might depend on it he might save himself the trouble of providing in detail for the appropriation of his surplus. The noble Lord's calculations were erroneous, and there would actually be no 50,000*l.* to distribute. Let them make a fresh distribution of the Church Revenues—let them do away with the allotments of 5*l.* where there was no Protestant congregation, instead of 65*l.* to the curate—let them allot 250*l.* to enable a man, in decency, to maintain his family, and the noble Lord would have no surplus to appropriate for secular purposes. Let them maintain the principle of an establishment. Let them provide for its adequate maintenance. Let them secure it by doing away with all pluralities —by doing away with all sinecures, in the sense in which that word was used. Let them plant in every parish in Ireland a clergyman to perform his sacred functions, and allow him a fair and becoming maintenance, and while there would be no surplus to appropriate, there would be no quarrel to foment and maintain on account of it.

Lord *John Russell* said, the right hon. Baronet had observed, that he would not enter on the present occasion into any of the details of the measure, yet in a small compass he had alluded to many details. In order to save time, he would not say a word with respect to that part of the measure which related to tithes. On a future occasion there would be sufficient opportunity to compare that part of it with the measure of last year, which failed in the other House, and with the subsequent proposition of the right hon. Gentleman opposite. He must, however, be allowed to make a few observations with respect to the hardships which it was said the present Bill would occasion to the clergy of Ireland. With respect, then, to the allotment of *5l.*, which had been described as an insult to the establishment, he would only quote a passage from a report which he held in his hand, signed by two of the Irish Archbishops and three Commissioners, two of whom were appointed by the Government, and the other by the Primate, and who therefore must all be sufficiently attached to the interests of that Church. In pursuance of the 116th Section of the Irish Church Temporalities' Act, they had five benefices to dispose of, in two of which there was no Protestant, in one only nine, and in the other two only thirty; on consideration, however, of the circumstances, they had not thought proper to suppress them altogether, and they therefore appointed an officiating curate with from *4l.* to *25l.* a-year. That, therefore, which had been described as an insult to the Church of Ireland, because it would be unbecoming in any clergyman to accept of it, had actually been approved, recommended, and adopted by the diocesan of the Church of Ireland in more than one instance. But it was said that it was equally inadequate that the sum of *75l.* a-year should be allotted to the curates to be appointed to parishes coming under the purview of the Act. The great complaint was this, which the right hon. Gentleman did not mention, that where there were heavy duties to perform, and at the same time a large income to be received, that large income was received by one man, while the heavy duties were left to another, with a very small stipend. He would give a single instance, for the purpose of showing that the operation of the Act would not be at all injurious to that class who performed the duties. The case was no imaginary one, but was communicated to him by a curate of the Established Church. His statement was shortly this—There were four parishes in which he and a labouring curate performed the whole duties. The congregation consisted of about 200. The sum received from the benefice, when the tithes were regularly paid, was *2,000l.* a-year, and they had done the duties for two years at a sum of *75l.* each. If those parishes were to come under the operation of the Bill, the effect would be, that there being some Protestants in each of them, the curates would receive *150l.* each; still leaving a considerable surplus of income, even after all the deductions made by the Bill; but instead of its being devoted to the support of some distant clergyman who did not visit or superintend the parish, it would go to the benefit of the parochial population, who would be instructed, guided, and educated, by the funds which were originally drawn from them. The right hon. Baronet (Sir Robert Peel) said, he must always protest against that principle; and so did his noble Friend, the Member for Lancashire, as he (Lord Stanley) had always done. His noble Friend put the case of three parishes united together, two of them containing a considerable number of Protestants, but not producing sufficient income for the clergyman; but luckily it happened, the neighbouring parish contained a vast number of Catholics, and hardly any Protestants, and therefore they should draw from the Catholics the means of educating and comforting the Protestants. Now it was that very system which the right hon. gentleman (Sir Robert Peel) wished to maintain, but against which he (Lord John Russell) must always protest. He did not, and never should, think it right, that the great mass of the population in the South of Ireland should be made to contribute in the shape of tithe, or in any other shape, not for their own advantage, but for the sake of supporting a Church Establishment, to which they are conscientiously and religiously opposed. Nor was it sufficient to tell him that the Church wanted support, or that its funds might be useful in some other quarter. That, he maintained, was not the purpose of tithes. It was intended that tithes should go to the benefit of the county and district from which they were drawn, in the spiritual and moral instruction of the people. Bad as the system was at present, it would be still worse if they drew the whole of the tithes from the south of Ireland, and transferred the income to the more Protestant and rich part of the country, so that the Church Establishment might be supported in those parts at the expense of the poorer and more Catholic population. But the right hon. Gentleman said, that, after all, there would be no surplus. No doubt if the Ministers proceeded on the right hon. Gentleman's principles, there would be no surplus. But according to the principles which they had adopted in the Bill, taking the Income from more than 800 parishes in which there was no sufficient number of Protestants to form a congregation, they would find a surplus which, whether great or small in amount, would show that they were prepared to say that the moral and religious instruction of the great mass of the people of Ireland was an object which they had at heart—an object to which the Church revenues should be applied; and that, hereafter, while they gave that support which they considered adequate, and provided those means which were required for the spiritual instruction of the Protestants, the 6,500,000 Catholics enumerated by the Commissioners in their Report were regarded as worthy the paternal regard of a gracious Sovereign, and the superintending benevolence of the British Parliament. The present was undoubtedly a Bill complicated and difficult in its details; and he believed it was impossible to frame a measure to which plausible, and even reasonable objections might not be urged. But treating as it did of so intricate a subject, he would resort from all its details to the novel, and yet he believed sound principle on which it was founded; for that he believed was the first time that a Bill had ever been proposed to Parliament on such a subject, which went on equal principles towards the whole population of Ireland. He felt it deserved support, and he was ready to encounter all the obloquy which could be heaped on it upon that ground.

Mr. *Goulburn* wished to know whether in the numerous instances in which from four to five parishes were united, having a considerable Protestant congregation, though none of them, to the amount of fifty, and a regular incumbent, that incumbent should be superseded, and the produce applied to the funds they were about to raise?

Lord *Morpeth* was understood to say, that those cases would certainly come under the operation of the Act, unless the Lord-Lieutenant of Ireland thought circumstances justified the contrary. With respect to the other details of the Bill, he hoped hon. Members would forbear canvassing them till the measure was before the House.

Leave was given to bring in the Bill.

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